A PARENT'S CONFESSION: I LET MY KIDS WATCH *SOUTH PARK*!

REASON

Free Minds and Free Markets®

May 2000

Earth Day's Happy 30th Birthday

The planet's future has never looked better. Here's why.
By Ronald Bailey

CELEBRITY CULTURE AND THE NEW ROLE MODELS
By Tyler Cowen

THE LURE OF ANTI-PEOPLE POPULISM
By Loren Lomasky

RITALIN AND THE HYPERACTIVITY HOAX

WHY UNCLE SAM WANTS YOUR WEB PAGE

CULTURE JAMMING AND CAPITALISM

W.C. FIELDS FOR PRESIDENT!

$2.

PRINTED IN USA

www.reason.com

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

"Let me give you the secrets of FEARLESS CONVERSATION!"

"I promise you the ability to walk into a room full of strangers—and talk to anyone with total confidence, authority and flair."

by Leil Lowndes

The King of Conversation raves about Leil Lowndes!
"You'll not only break the ice, you'll melt it away with your new conversation skills."- ***Larry King***

Don't you hate it?

The prospect of walking into a room that's packed with strangers, approaching someone you've never met and striking up a conversation.

It's natural to feel uncomfortable. Are you making a positive first impression? Are you saying the right things?

Well, don't be discouraged. You're not alone. Many top executives, politicians and celebrities dread these situations.

Master any encounter.

These high-profile people are among my clients. Despite their wealth and fame, they often confess that meeting and talking with strangers makes them uneasy. I turn them into polished, expert conversationalists.

Never underestimate the value of conversational skills! In a recent study, Stanford University MBA graduates were surveyed. What factor predicted success? *Not* grades. Instead, *the most successful individuals were those who were comfortable and confident talking with anybody!*

When I teach people these abilities, they experience dramatic, positive changes in their lives and careers. Now I've put all of my techniques into an exciting new audio-cassette program, *Conversation Confidence*™.

Reap the rewards.

Have you ever said to yourself, "I wish I had spoken up"? Or, "If only I had introduced myself"? Or, "Did I say the wrong thing"?

Conversation Confidence is the answer. *Just by listening,* you'll master the proven interpersonal skills you need to deal with *every* individual, *every* group, *every* occasion.

The result? New doors will open to you. You won't hesitate to accept an invitation, to approach someone important, to seize an opportunity. You'll never again feel like an outsider. Success will naturally flow your way—and with less effort than you ever imagined possible.

Internationally acclaimed communications expert ***Leil Lowndes*** *is a best-selling author and speaker who also coaches private clients, including top Fortune 500 executives.*

Winning strategies.

Here's just a sampling of the secrets you'll discover in *Conversation Confidence:*

- ✓**The two most powerful "instant rapport" techniques. Use them and you'll *always* make a terrific first impression.**
- ✓How champion socializers and big winners "work" a room.
- ✓**The four rules of effective "small talk"—and the one huge *error* many people commit.**
- ✓How to converse intelligently on *any* subject—even if you know little or nothing about it!
- ✓**Magic phrases that never fail to win a new acquaintance's trust and goodwill.**
- ✓How to handle difficult people. Ingenious ways to turn even the fiercest tigers into pussycats.
- ✓**Is she (or he) romantically attracted to you? How to know for sure.**
- ✓Someone mentions something you have in common. Wait! *Don't* reveal it right away. Here's why.
- ✓**Are you hearing the truth—or a lie? Watch for these critical tip-offs.**
- ✓Phone power! How to get through to "unreachable" people.
- ✓**Ten often-heard expressions—that *you* should *never say.***
- ✓Get what you want! Shrewd tactics to negotiate, persuade, sell. A powerful six-step formula to win others over.
- ✓**And much more!**

NO-RISK trial offer, plus a great FREE BONUS.

Test this terrific program for only $29.95. Put it to work—and watch what happens. I *guarantee* that with *Conversation Confidence,* you'll be a winner on every occasion, *or it costs you nothing!*

You'll receive the two Introductory tapes of the program to audition for 30 days. Listen to them as many times as you wish. Then, decide if you want the complete program. You may keep the Introductory tapes, or return them for a *prompt, full, no-hassles refund* of the purchase price. Fair enough?

You'll also receive a FREE BONUS: the* Memory Advantage *two-hour course.

This two-tape program will give you the ability to remember names and faces like never before. It's the perfect companion to *Conversation Confidence* and it's yours *free.* Even if you return *Conversation Confidence* and claim your refund, the bonus is *yours to keep!*

Now you can possess the self-assurance and skills to meet and talk with anyone, anywhere, any time. You'll never miss another chance to make a promising new business contact or friend, to win his or her trust, to achieve your goals.

Unleash the power of *Conversation Confidence* and start to create a real difference in your life. ***Order today!***

TEST THIS LIFE-CHANGING PROGRAM FOR 30 DAYS—WITHOUT RISK!

CALL TOLL-FREE 1-888-697-9471

Or FAX your credit card order to 949-361-5624 • www.verbaladvantage.com

verbal*Advantage*®
180 La Pata, Dept.5519
San Clemente, CA 92673

☐ **YES,** I want to test *Conversation Confidence*™ without risk. Rush me the two Introductory tapes. Please include my *free bonus,* the *Memory Advantage* two-hour course.

I may audition the Introductory tapes for 30 days. Later, I can decide if I want the complete program. If I'm not totally satisfied, I may return the two tapes within the one-month trial period for a prompt, full, no-hassles refund of the purchase price. ***The free bonus is mine to keep, regardless.***

© 2000 Wordsuccess LLC

☐ My check for $34.90 is enclosed. ($29.95 plus $4.95 S&H)
Charge my: ☐Visa ☐MasterCard ☐American Express ☐Discover

Card No._____

Exp._____ Signature _____

Name_____

Title/Co._____

Address_____

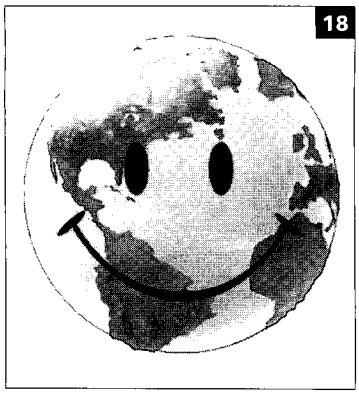
City_____

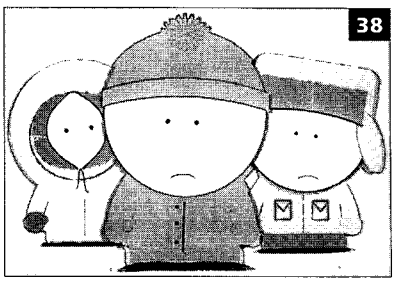
State/Prov._____ Zip_____

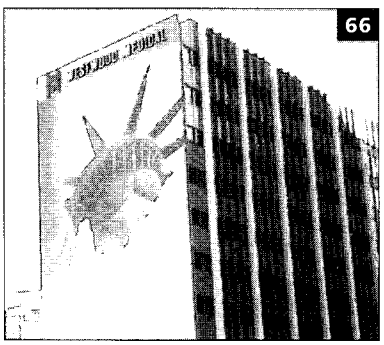
Phone (_____)

California residents, please add 7.25% sales tax ($2.17), for a total of $37.07
US funds only. Please call for S&H rates outside the continental US.

REASON®
Free Minds and Free Markets®
May 2000/Vol. 32 No. 1







Articles

18 Earth Day, Then and Now by Ronald Bailey
The planet's future has never looked better. Here's why.

30 The New Heroes and Role Models by Tyler Cowen
Why separating celebrity from merit is good.

38 Goin' Down to South Park by Barry S. Fagin
How kids can learn from "vile trash."

44 Rendering Unto CESA? by Mike Godwin
Clinton's contradictory encryption policy.

47 Fields of Glory by Paul A. Cantor
The absurdist anti-politics of W.C. Fields.

Editorial

4 *Boiler Room* Boilerplate by Nick Gillespie
Does it matter that Hollywood always vilifies businessmen?

Columnists

14 Capital Letters: D.C. Valentines by Michael W. Lynch
In which our man in Washington gets lectured on chastity, talks morality with Newt, and watches wannabe pols woo big money donors.

17 Thomas W. Hazlett: Toll Calls
The long-distance guide to economic indicators.

42 Virginia Postrel: Laboratory Rats
What should state governments do about the "new economy"?

49 Walter Olson: Access Excess
The Americans with Disabilities Act goes online.

Books

52 Dangerous Distraction by Jason Sholl
The Hyperactivity Hoax: How to Stop Drugging Your Child and Find Real Medical Help, *by Sidney Walker III*

Ritalin Nation: Rapid-Fire Culture and the Transformation of Human Consciousness, *by Richard DeGrandpre*

55 Assault with Blunt History by Richard Epstein
A Necessary Evil: A History of American Distrust of Government, *by Garry Wills*

60 Rebel Without Applause by Jacob Sullum
Culture Jam: The Uncooling of America™, *by Kalle Lasn*

62 Uncontrollable Passion by Loren Lomasky
A Passion for Democracy: American Essays, *by Benjamin Barber*

A Place for Us: How to Make Society Civil and Democracy Strong, *by Benjamin Barber*

Departments

6 Letters
Hidden law and libertinism, as-is software, hard green reply.

8 Citings
Pseudo-computer hackers, space cruise giveaways, libertarian folkies...

66 Artifact: Liberty Undone
Why an L.A. mural can't be completed.

Cover illustration: Miyuki Sena

REASON (ISSN 0048-6906) is published monthly except combined August/September issue by the Reason Foundation, a nonprofit, tax-exempt organization, 3415 S. Sepulveda Blvd., Suite 400, Los Angeles, CA 90034-6064. Periodicals postage paid at Los Angeles, CA, and additional mailing offices. Copyright© 2000 by Reason Foundation. All rights reserved. Reproduction or use, without permission, of editorial or graphic content is prohibited. Reason and Free Minds and Free Markets are registered trademarks owned by the Reason Foundation. **SUBSCRIPTIONS:** $26 per year. Outside U.S. add $8/year surface, $55/year airmail. Address subscription correspondence to Reason, P.O. Box 526, Mt. Morris, IL 61054, 815-734-1102. For address change (allow six weeks), provide old address and new address, including zip code. **UNSOLICITED MANUSCRIPTS** returned only if accompanied by SASE. **INDEXED** in Readers' Guide to Periodical Literature, InfoTrac, Historical Abstracts, Political Science Abstracts, America: History and Life, Book Review Index, and P.A.I.S. Bulletin. Available on microfilm from University Microfilms International, 300 North Zeeb Rd., Dept. P.R., Ann Arbor, MI 48106. **Printed in the United States. POSTMASTER:** Send address changes to Reason, P.O. Box 526, Mt. Morris, IL 61054. Publications Mail Sales Agreement No. 1476696.

Boiler Room Boilerplate

Does it matter that Hollywood always vilifies businessmen?

By Nick Gillespie

Boiler Room, the recent and highly entertaining film about rogue stockbrokers who foist junk investments on unwitting and malleable investors, strives mightily to be more than a mere diversion. It aspires to social commentary, to make us face uncomfortable truths about our oh-so-depraved world. "I wanted this movie to be an exposé," the film's 27-year-old writer-director Ben Younger told the *Chicago Tribune*. "Here's what's going on, people, wake up!" The movie's protagonist, a novice seduced by the affluence and power that accrues to his successful colleagues, calls selling stocks "the white-boy way of slinging crack rock." Another character, a brokerage-house recruiter played by Ben Affleck, smugly proclaims, "Anyone who tells you that money is the root of evil doesn't fucking have any."

Much of the press surrounding *Boiler Room* stresses the film's verisimilitude, its willingness to represent the sleazy details of, as a *New York Times* critic put it, "the hard-sell ethos of buying and selling, lying and cheating." Many of the movie's reviews note that Younger himself was once recruited by a "boiler room" stock-selling operation and that he spent a long time interviewing brokers at those disreputable firms that hawk shares in unlisted or phony companies (such outfits are estimated to make up about 1 percent of all brokerage firms).

Commenting on the feedback he's gotten since the movie's release, Younger told *The New York Post*, "I thought I was just depicting [shady brokerage houses], not all of Wall Street. But now I know that there's 50,000 people out there who think this movie is all about them, and the reason is all these firms are completely the same." The March issue of *Details*, the trendy men's magazine, features an article titled "Inside the Boiler Room" that asks the question, "Is Hollywood's shocking new Wall Street exposé on the mark?" The answer: "We got some inside information that says, 'Be afraid.'"

IF YOU HIRE MORE PART-TIMERS AND PAY THEM LESS WITH NO BENEFITS, PROFITS WILL SOAR EVEN MORE!..
U.S. CORP.
WELL DONE.
MIKE LUCKOVICH
DOES THIS MEAN YOU'LL MAKE ME FULL-TIME?
NO.
U.S. CORP

MIKE LUCKOVICH

But *Boiler Room* raises other questions, as well, ones that are more difficult to answer in any sort of pat or moralistic way: Does it matter that *most* depictions of capitalism and business in popular culture are relentlessly negative? Should we be concerned that, as the *Times* review quoted above suggests, "buying and selling" and "lying and cheating" are often seen as kissing cousins, if not actually married?

Ironically, the pretext for such a discussion is the enormous wealth thrown off by capitalism; movies such as *Boiler Room* are, after all, essentially luxury items. As the economist Joseph Schumpeter noted more than 50 years ago, capitalism—defined by him simply as a system in which people are relatively free to own and trade property—results in a generally wide distribution of more and cheaper goods throughout society. "Queen Elizabeth [I] owned silk stockings," he wrote in *Capitalism, Socialism and Democracy* (1942). "The capitalist achievement does not typically consist in providing more silk stockings for queens but in bringing them within the reach of factory girls in return for steadily decreasing amounts of effort."

In contemporary America, Schumpeter's insight is verified by any number of contemporary indicators: home, car, and stock ownership rates, income mobility, the percentage of high school students who go on to college, the number of household appliances, and retirement incomes. All of these had been increasing steadily before Schumpeter wrote *Capitalism, Socialism and Democracy* and all have continued to grow since.

To the list of indicators we might add products such as *Boiler Room*. It's worth underscoring that the movie breaks no ground in fingering capitalism as both corrupt and corrupting. It's simply the latest example of what might be called the "salesman as scumbag" genre. The movie openly references two relatively recent, highly acclaimed works that trod similar ground in similarly heavy boots: David Mamet's *Glengarry Glen Ross* (which won a Pulitzer Prize for drama during the greed-is-good '80s and was made into a movie in 1992)

and Oliver Stone's film *Wall Street* (1987). Mamet and Stone themselves drew on a tradition perhaps best represented in the post-war era by Arthur Miller's heavy-handed and dramatically incoherent *Death of a Salesman* (1949), which unmasks its title character as a "phony little fake" even as it seeks to elevate him to tragic stature.

In *Prime Time: How TV Portrays American Culture* (1994), Robert S. Lichter, Linda Lichter, and Stanley Rothman comprehensively surveyed TV shows from the '50s through the early '90s and document what anyone who has ever sat through Act V of a Quinn-Martin production already knows: "Business characters were twice as likely to be bad guys and three times as likely to commit crimes as were characters in other occupations. ...[They] were also at their worst when they were shown actually engaging in business, rather than purely personal pursuits. ...Most of their criminal conduct was directly related to their business activities." (That showbiz—an industry hardly renowned for its humane treatment of people—sees fit to time and again castigate the business world for callous heartlessness is itself an irony worth savoring.)

So, do such depictions matter? Do they weaken support for the very system which finances them? The authors of *Prime Time* believe they might, though in a surprising way. They cite anecdotal analysis which suggests that the message viewers take away from such fare is not that capitalism is evil per se, but that a person needs to be devious and unprincipled to be successful. "Do the ends justify the means?...Yes, say students who watch television regularly," concluded one commentator. "Television makes people want to be business people, but it also tells them that to be a business executive you have to be an unscrupulous creep," wrote journalist cum game show host Ben Stein in the late '80s. "The mores you see now ...are the mores of *Dallas* and *Dynasty*. It's not just coincidence."

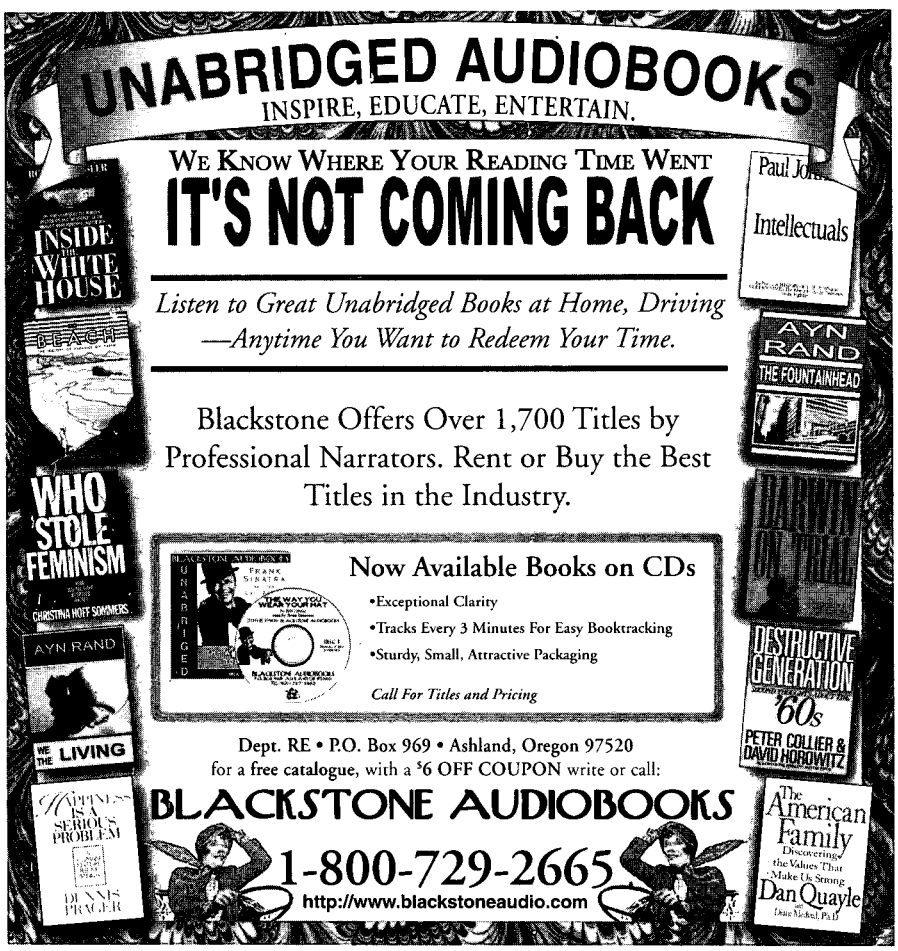
To their credit, the *Prime Time* authors stress that such a hypothesis is as "unproven" as it is "provocative." In fact, there is no reason to believe that the overall rate of fraud and deception was somehow on the rise in the '80s, or that it has proceeded apace since then.

Certainly cons and scams exist, but if anything, transactions seem to be getting increasingly transparent as the amount of information available to consumers grows. In a world in which potential customers can easily get multiple prices for the same product or service via the Internet and other sources, sellers of all sorts need to come in early with their best offer and to stand by it. Reputation—probably the single most powerful hedge against cheating—has perhaps never been as important as it is now.

In a more persuasive moment, the *Prime Time* authors suggest that television, "the onetime servant of the status quo... now fosters populist suspicions of traditional mores and institutions. A medium that originally helped legitimize authority today tries to demystify it." This strikes me as obviously true not simply of the small screen, but of movies and popular culture in general. Authority—whether personified in a politician, a minister, a doctor, a teacher, a newscaster, etc.—rarely goes unquestioned these days.

Such ubiquitous—and glorious—antinomianism is in many ways at the heart of a healthy commercial society. It fits squarely with Schumpeter's concept of "creative destruction," which he regarded as the "essential fact about capitalism." Where social critics traditionally focus on "how capitalism administers existing structures," wrote Schumpeter, they would do better to focus on "how it creates and destroys them" and how it is constantly creating new goods, "new methods of production or transportation,...new markets, [and]...new forms of industrial organization." Implicit in such a tumultuous world of ongoing "mutation" is the need for individuals to constantly verify information and renegotiate their economic and cultural positions.

In this context, films such as *Boiler Room* don't undermine or challenge capitalism as much as they further it. Indeed, by foregrounding—or even by absurdly exaggerating—the duplicity possible in a market system, they may well help it to function more efficiently. ◆


UNABRIDGED AUDIOBOOKS
INSPIRE, EDUCATE, ENTERTAIN.
WE KNOW WHERE YOUR READING TIME WENT
IT'S NOT COMING BACK
Listen to Great Unabridged Books at Home, Driving
—Anytime You Want to Redeem Your Time.
Blackstone Offers Over 1,700 Titles by Professional Narrators. Rent or Buy the Best Titles in the Industry.
Now Available Books on CDs
•Exceptional Clarity
•Tracks Every 3 Minutes For Easy Booktracking
•Sturdy, Small, Attractive Packaging
Call For Titles and Pricing
Dept. RE • P.O. Box 969 • Ashland, Oregon 97520
for a free catalogue, with a $6 OFF COUPON write or call:
BLACKSTONE AUDIOBOOKS
1-800-729-2665
http://www.blackstoneaudio.com
INSIDE THE WHITE HOUSE
BEACH
WHO STOLE FEMINISM
CHRISTINA HOFF SOMMERS
AYN RAND
WE THE LIVING
DENNIS PRAGER
Paul Jo... Intellectuals
AYN RAND THE FOUNTAINHEAD
DARWIN ON TRIAL
DESTRUCTIVE GENERATION
60s
PETER COLLIER & DAVID HOROWITZ
The American Family
Dan Quayle

REASON
www.reason.com

President and Publisher Robert W. Poole Jr. *(bobp@reason.com)*

Editor-in-Chief Nick Gillespie *(gillespie@reason.com)*
Senior Editors
Charles Paul Freund *(cpf@reason.com)*
Jacob Sullum *(jsullum@reason.com)*
Associate Editors
Jesse Walker *(jwalker@reason.com)*
Brian Doherty *(bdoherty@reason.com)*
Washington Editor Michael W. Lynch *(mlynch@reasondc.org)*
Assistant Managing Editor Mariel Garza *(mariel@reason.com)*
Science Correspondent Ronald Bailey *(rbailey@reason.com)*
Washington Reporter Ryan H. Sager *(rhsager@gwu.edu)*
Editor-at-Large Virginia Postrel *(vpostrel@reason.com)*
Editorial Assistants Robert Honrado, Mary Toledo
Art Director Barb Burch *(bburch@reason.com)*
Webmaster Brian J. Taylor *(webmaster@reason.com)*
***Reason Express* Writer** Jeff A. Taylor *(jtaylor@reason.com)*
Contributing Editors
Gregory Benford, James V. DeLong, Edith Efron, Glenn Garvin, Steven Hayward, Thomas W. Hazlett, David R. Henderson, John Hood, Brink Lindsey, Carolyn Lochhead, Loren E. Lomasky, John McClaughry, Deirdre N. McCloskey, Michael McMenamin, John J. Miller, Charles Oliver, Walter Olson, John J. Pitney Jr., Thomas Szasz, Frederick Turner, Martin Morse Wooster, Cathy Young
Cartoonists
Chip Bok, Henry Payne, Scott Stantis

Public Affairs Director Mike Alissi *(malissi@reason.com)*
Circulation Director Alyssa Garey *(agarey@reason.com)*
Assistant Publisher Michael Orendy *(michaelo@reason.com)*
Legal Adviser Don Erik Franzen

Editorial and Production Offices
3415 S. Sepulveda Blvd., Suite 400
Los Angeles, CA 90034-6064
310-391-2245 Fax: 310-391-4395
Washington Office
1717 Pennsylvania Ave., NW, Suite 260
Washington, DC 20006
202-955-1324 Fax: 202-955-3187
Advertising Sales
The Townsend Group, Inc.
4920 Elm St., Suite 325
Bethesda, MD 20814
301-215-6710 Fax: 301-215-7704
(ads@reason.com)
Circulation Service
P.O. Box 526, Mt. Morris, IL 61054
1-888-REASON-8 (1-888-732-7668)
(subscribe@reason.com)

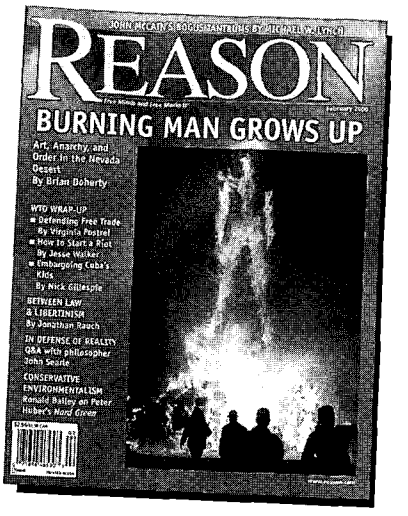
Reason is published by the Reason Foundation, a 501(c)(3) nonprofit educational foundation. Contributions to the Reason Foundation are tax-deductible. Signed articles in *Reason* reflect the views of the authors and do not necessarily represent those of the editors, the Reason Foundation, or its trustees; articles should not be construed as attempts to aid or hinder the passage of any bill before any legislative body. The claims and opinions set forth in paid advertisements published in this magazine are not necessarily those of the Reason Foundation, and the publisher takes no responsibility for any such claim or opinion.

Audit Bureau of Circulations Member

Reason Foundation
Trustees
Harry E. Teasley Jr. (Chairman), Thomas E. Beach, William A. Dunn, James K. Glassman, C. Boyden Gray, Neal I. Goldman, Stina Hans, Manuel S. Klausner, David H. Koch, James Lintott, Robert W. Poole Jr., Al St. Clair, Joel Stern, Walter E. Williams, Frank Bond (emeritus)

President Robert W. Poole Jr.
Vice President, Magazine Nick Gillespie
Vice President, Research Lynn Scarlett

Letters



Uncovering Hidden Law

In "Conventional Wisdom" (February), Jonathan Rauch praises "hidden law," a web of convention and informal norms that he says regulates society more humanely than today's culture of law, court action, and open debate. I beg to differ.

Consider euthanasia. Rauch celebrates the days when doctors simply slipped suffering terminal patients a fatal dose and nothing more was said. When patients were ready to die and doctors were willing, hidden law was kind and convenient. But what about doctors who valued life at any cost and refused to end suffering? Imagine a trigger-happy doctor, quick to dispatch patients not yet ready to die—under the concealing blanket of hidden law, how could they ever be caught?

Hidden law confers substantial authority (but less responsibility) on parties other than the consumer. In the old days, doctors were guided solely by their own values regarding euthanasia. Patients could only hope their physician's views mirrored their own. Some learned otherwise only by lingering in agony, helpless in the hands of a doctor who would do nothing to ease their passing. Today, thanks to Jack Kevorkian, the courts, and legislatures, we're moving closer to a system in which physicians can openly discuss their willingness to euthanize; the process is open and accountable; and the healthcare consumer is the final decision maker.

As for marriage, Rauch praises a system in which society held startling power to regulate individuals' intimate relationships. Fear of "what the neighbors would think" trapped millions in toxic relationships. Libertarians should look askance at any system that vests such power in a faceless, unaccountable "community," not in the individuals living out their relationships. Today's system in which individuals hold untrammeled power over their own love lives is far preferable.

Scratch a communitarian—even a soft one—and you always find a central planner eager to disenfranchise people from their lives and hand over power to insulated elites. Whether exerted by kings, elected officials, or the neighbors, social control always implies coercion. It must be resisted by those who truly love liberty.

Tom Flynn
Buffalo, NY
tomwflynn@aol.com

In "Conventional Wisdom" Jonathan Rauch says "The further good news is that gradually, quietly, Americans are becoming aware of the existence of hidden law." This makes me wonder where Mr. Rauch has been for the last 40 years or so. I rather doubt that in the 1950s there were any African-American children in the U.S. older than 6 who weren't aware of this so-called hidden law. They may not have known all of its ramifications, but you can bet they knew the parts that affected them. What U.S. automobile driver doesn't know that the real speed limit is different from the posted one unless there's an official zero-tolerance policy in effect?

There is probably some value in having this hidden law, which is more commonly called custom. No formal system of law can be sufficiently fine-grained to perfectly apply to all situations. Sometimes there is a need for custom when the granularity of the official law is too coarse, or simply fits a situation poorly. But it's through hidden

law that society expresses not only its tolerance but also its intolerance—its moral heights, perhaps, but more commonly in this century, its depths. Hidden law may give Mr. Rauch comfort, but his presentations read like a denial that it also gives us hate crimes, prejudice, unfair treatment, and denial of rights. Like the hidden speed limit, it allows us to circumvent our formal structure of law with behaviors that would otherwise fail the test of those laws.

If there is polarization between law and custom today, it is a result of broad understanding of the differences between the two, not widespread ignorance. From the birth of the U.S. as a nation, people who felt victimized or even insecure about the hidden law have addressed their concerns by formalizing them into official law. To me, the amendments to the U.S. Constitution are essentially votes of no confidence in the hidden law. A few years ago, Rep. Gary Ackerman stated that the "Constitution is supposed to protect your rights, not your sensitivities." I believe people often do confuse rights with sensibilities, particularly within the slushy morass of social custom. Gay marriage activists are not attacking the institution of marriage, they simply want to secure generally for themselves the sorts of rights granted to people with a different sexual orientation. Like the proponents of the Bill of Rights, they want the current difference between rights and sensibilities addressed and formally rationalized to secure for them the choices they feel are being denied by the hidden law.

People like Kevorkian may be grandstanding, but they also understand that prohibitions against suicide are rooted in peoples' sensibilities, and those may unfairly deny other people their right to release themselves from unbearable punishments imposed by accident or nature, and enforced by custom.

Civil rights activists are not trying to "denorm" society. They're just trying to get society to face up to social variations that already exist. Despite the urgings, or these days the whinings, of the radical religionists, there's no moral mandate given to those perched atop the bell-curve of "social normality." A clear case can be made that most social advances are carried on the backs of the people within society's fringes, not its center. Indeed, it's a sad fact that some of the worst of the hidden laws do not change easily. In extreme cases they have required martyrs to starkly illuminate the differences between the sensibilities of some people and the rights of others.

John Kinney
Raleigh, NC
jwkinney@aec-support.com

No Guarantees

I agree with Walter Olson ("Gold Bugs," February) that class action suits have become a major problem. However, I disagree with the solution to stick a disclaimer saying the software product and any related documentation is provided "as is" without warranty of any kind inside the box where the buyer cannot see it until he has already paid for it.

There is a simpler solution. Stick a large bright red "Sold As-Is" sticker on the front of the box where the buyer can see it before paying for it. The software makers may not like this truth-in-advertising solution, but it will allow buyers to make informed decisions before paying.

Garnet Harris
Hagerstown, MD
garnet@aufait.net

Prudence or Pessimism?

In his review of *Hard Green* ("Preservation Instincts," February), Ronald Bailey joins author Peter Huber in castigating Al Gore for using the "sandpile" metaphor for environmental threats such as global warming. They would do well to ignore the metaphor and face the evidence. Global warming is a real and serious danger.

The increase in atmospheric CO_2 levels has coincided with melting ice sheets in both the Arctic Ocean and Antarctica and an increase in extreme weather. The 1990s is the warmest decade since records have been kept, according to research by the universities of Massachusetts and Arizona on ice cores and tree rings.

Al Gore is a prudent man at a time when prudence is warranted. The biological capital of planet Earth was amassed over 4 billion years in the greatest free market of all: the evolution of life. Preserving its glorious diversity is a cause worthy of dedication and sacrifice.

Georgette Perry
Huntsville, AL

Ronald Bailey replies: The great thing about the "sandpile" metaphor is that it allows one to dismiss previous findings and evidence. In the case of global warming, the current climate models on which Al Gore and others rely show gradual warming over the next century, no abruptly collapsing sandpiles.

For a longer discussion of global warming, see my article in this issue (see page 18). As for Antarctic ice, a peer-reviewed article in *Science* last year found that the rate of melting had not increased, but was still at a steady pace as a result of the ending of the last ice age 10,000 years ago. Arctic sea ice does appear to be thinning, but it had substantially thickened and expanded between the 1940s and the 1970s.

Despite the claims made by environmental activists, climatologists generally agree that extreme weather events like hurricanes have not increased in the second half of the 20th century. As for being the "warmest" decade on record, the same tree rings show that the period 800–1200 A.D. was generally warmer than it is now, though we are getting close. Global warming poses far less of a threat to the diversity of life than poverty and hunger in the developing world do. Poor hungry people will chop down forests and kill wildlife to feed themselves and their families. Fostering rapid economic growth in developing countries, rather than exhorting them to "dedication and sacrifice," is a far more effective policy for preserving the world's diversity of plants and animals in the long run. That's real prudence.

Communicate with REASON

We appreciate your letters, typed double-spaced and limited to 250 words. Letters sent to REASON will be considered for publication (unless otherwise noted) and may be subject to abridgment or editorial comment. Any letter intended for publication must include the sender's name, address, and daytime telephone number. Letters may be sent to letters@reason.com or mailed to:

3415 S. Sepulveda Blvd., Suite 400
Los Angeles, CA 90034-6064

Citings

Police and Thieves

By Jesse Walker

Los Angeles' ongoing police scandal continues to grow: As many as 70 officers are now under investigation for their possible roles in an ugly web of shootings, beatings, drug-dealing, frame-ups, perjury, and corruption. (See "Gangsta Cops," January.)

It's still unclear how far the wrongdoing reaches, and not all of the charges levied by Rafael Perez—the coke-dealing cop whose testimony unleashed the scandal—have been corroborated. But more than 40 convictions have been overturned to date, and the victims of police abuse and false imprisonment are revving up to sue the city. Officials estimate that L.A. will have to pay out at least $125 million in settlements, and perhaps much more.

Where will the city find that kind of money? Mayor Richard Riordan has an idea, one that's sparked its own outraged response. Los Angeles, he announced in February, should set aside some of its take from the recent federal settlement with the tobacco industry.

Not so fast, say other officials. We were going to use that money to make the city's sidewalks wheelchair-accessible—a change required by the Americans with Disabilities Act.

Hacked Off

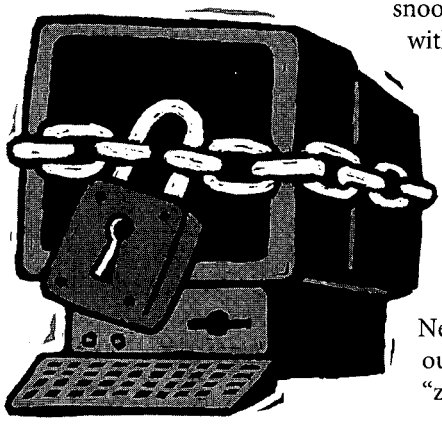
By Jeff A. Taylor

When is a "hacker attack" not a hacker attack? When it's done by wannabes too dense to be hackers.

That seems to be the case in the assaults on several high-profile e-commerce Web sites in February. EBay, Amazon, and a few other vendors had to go offline after cyber-vandals monkeyed with their systems and clogged those sites with phony electronic traffic. While damage was done, such antics don't qualify as true hacks: The systems were never actually penetrated or turned "rogue." For the targeted sites, these attacks were more like being on the receiving end of a flurry of crank phone calls. Your line is tied up by the pranksters and people you want to talk to can't get through. Imagine you run a business dependent on phone orders and real money can be lost.

To complete the analogy, our phony callers would have broken into someone else's house and used their phone to harass you. This makes them hard to catch.

Net culture even has a term for those who engage in this sort of vandalous pseudo-hack: *script kiddies.* Of course, if the mainstream media were to lead their reports with that phrase, the average American might think the Net is under attack from Hollywood child stars. So *hackers* it is.



As with most break-ins, this sort of attack can usually be deterred with better locks. But better locks mean better security, and that means doing things that bother both the official privacy lobby and national security organs.

Last year, both Intel and Microsoft were branded evil snoops for shipping products with ID codes embedded in them. Truth is, individual users will likely always find ways to defeat ID codes and surf anonymously. But for large organizations with lots of excess computing power and Net connections—the ones our script kiddies love to "zombify"—user authentication should be part of a total security package.

The other part of security means treating information on any large system as valuable by encrypting it. That is the equivalent of hiding sharp objects and fragile knick-knacks from toddlers. Webmasters are just now catching onto how the use of encryption can make the script kiddies' task that much tougher.

Indeed, more than anything, these attacks show that the U.S. government's long war against powerful encryption has kept such tools out of the hands of exactly the wrong people: One of the programs thought to have been used to launch the at-

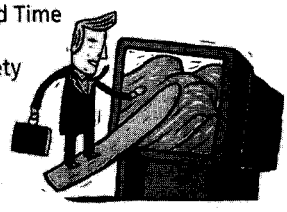
Balance Sheet

By Jeff A. Taylor

ASSETS

△ **▲ Grossed In.** Canada's graphic anti-smoking campaign, featuring full-color snaps of diseased body parts on tobacco products, becomes a collector's item among Canuck teens. If there is one thing more powerful than nicotine, it's the gross-out. Still, Sen. Dick Durbin (D.-Ill.) misses the point and introduces a bill to do the same in the U.S.

△ **▲ Guide Wires.** America Online and Time Warner announce plans to open the conglomerate's cable lines to a variety of Internet providers. Backers of so-called "open access"—mainly the competing Bell companies—had argued that only government could compel such a thing to occur.



△ **▲ Brain Candy.** Spanish researchers find that THC in marijuana might fight brain tumors. Scientists shot cannabinoids directly into mouse brain cancers only to see the tumors shrink while normal cells thrived. Human trials are planned soon.

△ **▲ Open Doors.** Federal Reserve Chairman Alan Greenspan tells Congress that more foreign workers are needed to help keep the economy going. Uncle Alan backs a bill to increase from 65,000 to 195,000 the number of high-tech workers who could emigrate to the United States each year. "The benefits of bringing in people to do the work here, rather than doing the work elsewhere, to me, should be pretty self-evident," he says.

△ **▲ Tax Tips.** Less than one in 300 tax returns will be audited for tax year 1999, compared to one in 67 in 1981. Adverse publicity and new taxpayer rights laws make the IRS auditors gun-shy. Auditors can now be fired outright for abusing taxpayers, a novel concept.

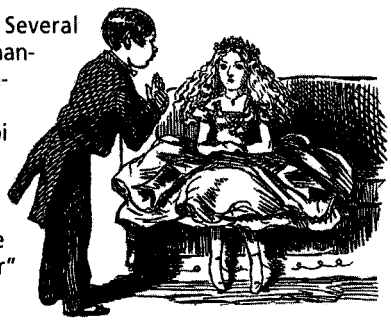
▼ **Gun Snobby.** A Louisiana judge tosses out state laws passed in order to stop cities from suing gun manufacturers for damages caused by gun crime. The decision will be appealed to the Louisiana Supreme Court.

▼ **Craps.** A former stock trader faces up to 19 years in prison and a $2 million fine after he is found guilty of helping Americans gamble on the Internet. The trial court interprets the ancient Wire Communications Act in such a way that it could apply to a bet anywhere in the world that involves a phone and an American.

▼ **Launch Time.** China threatens to lob a missile at the U.S. should it get involved in any hostilities over Taiwan. A real ballistic missile defense would be nice 'long about now.

▼ **Virtual Law.** Two state legislators draft the "Tennessee 21st Century Media Market Responsibility Act of 2000," which would ban the sale of violent video games to minors. Taboo games would be determined by a ratings label system. Violators would face up to six months in jail and a $500 fine.

▼ **Finishing School.** Several states look to legislate manners. South Carolina, Alabama, Georgia, Indiana, Kentucky, and Mississippi all weigh laws which would require kids to be polite in school. Louisiana is currently the only state with a "yes, sir" statute.



LIABILITIES

tacks uses encryption to mask what it is doing.

Penal Code

By Ryan H. Sager

Easily aroused men and boys had best steer clear of Mississippi—at least if State Sen. Tom King has his way. Concerned with the behavior of strip-club patrons, Sen. King has proposed a public nudity law that defines nakedness to include "the showing of covered male genitals in a discernibly turgid state."

"It will set some boundaries on what [strip club patrons] can or cannot do in a community," Forrest County Supervisor Johnny DuPree told Reuters earlier this year. DuPree, who has opposed the opening of a strip club at a local National Guard base, asked for a discussion of the law in the state legislature.

If a man has a hard time following the law, he could face up to $2,000 in fines and a year in jail. The bill, which was modeled on a similar statute in Indiana, has been sent to the Mississippi Senate Judiciary Committee for review.

Oahu Weed

By Jacob Sullum

Once famous for especially potent cannabis, Hawaii may soon be known for a variety that is weaker than ditchweed. In December, as part of an experiment sanctioned by the state legislature, University of Hawaii researchers began planting industrial hemp on a quarter-acre plot in Oahu.

Since it contains a negligible amount of THC, marijuana's main psychoactive ingredient, this crop isn't worth smoking. But it is useful in manufacturing a wide variety of products, including textiles, paper, cord, foods, beauty aids, and building materials. Although such products are legally available in this country, the plants from which they're made have to be grown elsewhere, because state and federal laws do not distinguish between industrial hemp and marijuana.

That's starting to change. Hawaii is the third state to endorse the experimental cultivation of hemp, following North Dakota and Minnesota. The Oahu project—backed by a $200,000 grant from Alterna, a company that uses hemp seeds in its hair care products—is the first to get started. The experiment is aimed at developing a hemp strain suited to Hawaii's climate.

The Drug Enforcement Administration has long insisted that legalizing hemp, which was banned in the late 1950s, would send a pro-drug message and make marijuana crops harder to detect. But the agency seems to be softening its position. It did not try to ▶

SOURCES

On March 5 and 6, the John Templeton Foundation and the University of Pennsylvania hosted a conference called **"Extended Life, Eternal Life,"** with participants discussing the ethical and theological implications of our increasing ability to extend and enrich our lives through biotechnology. As might be expected, tempers flared, with anti-biotech speakers such as The Hastings Center's Daniel Callahan declaring, **"The worst possible way to resolve [the question of life extension] is to leave it up to individual choice. ...There is no known social good coming from the conquest of death."** Gregory Stock, director of UCLA's Program on Medicine, Technology, and Society, begged to differ, suggesting, **"We are not moving toward a cataclysmic reckoning. Instead, I offer you the image of birth. Like birth, this period [of nascent biotech] is messy, bloody, and traumatic, but it is the beginning of a new era. Future humans will look back on this period as the time when the very bases of their lives were laid down and thank us."**

Some of the conference materials (including an archived debate on "Should biomedicine seek to treat dying like a disease—and seek to cure it?") are available on the Web at **www.extended-eternallife.org**. REASON Science Correspondent Ronald Bailey attended the conference and filed daily dispatches, available at **www.reason.com/opeds/rb030600.html**.

BRICKBATS

◆ Seems that some Internet-filtering programs blocked Web sites that mentioned Superbowl XXXIV. It was the "XXX" that tipped them off.

◆ As chief of New Jersey's Division of Alcoholic Beverage Control, John Holl was known as a strict enforcer: For six years, Reuters reports, Holl "cracked down on illegal liquor industry kickbacks, organized a summit on responsible college drinking and beefed up police patrols near liquor outlets to stop underage drinking." Maybe he beefed up one patrol too many: Last fall, a cop pulled over Holl for drunk driving.

◆ The logo for Minnesota's Thomas Lake Elementary School long featured a mean-looking tiger. Then officials started worrying that the cat sent a message of "violence," and the school found a new emblem: school supplies. From now on, the yearbook and school apparel will feature a picture of pens, pencils, and a ruler. No word yet on what the school mascot will have to wear to football games.

◆ In East Harlem, two cops busted James De La Vega for painting graffiti on the side of a dumpster, for possession of graffiti tools, and for criminal mischief. There was only one problem: De La Vega is a celebrated artist, not a tagger, and a local grocer had hired him to do the painting.

block the Hawaii experiment, though it did require special security measures, including a 12-foot-high fence and infrared surveillance.

With hemp legal in about 30 countries, including Canada, England, France, Germany, and Japan, the DEA's opposition is becoming increasingly untenable. "Once the DEA removes its restrictions," predicted University of Hawaii plant geneticist David West, the hemp project's director, "the vast economic and ecological benefits of this plant will make themselves known to American farmers."

Diversity Math

By Michael W. Lynch

In 1996, California voters passed an initiative that said the Golden State's public institutions couldn't use race, ethnicity, or sex as criteria in hiring, promotions, contracting, or university admissions. Someone forgot to tell Dr. Susan Moss, director of diversity and equity at San Diego State University.

In a memo about two job searches in SDSU's math and computer science department, Moss wrote: "I question, not the credentials of the candidates, but the motives of the proposal. My recommendation to the Provost is that if this committee's final choice does not advance the diversity of the dept., then the search should be closed and started over."

It's not as though the department had been ignoring the calculus of diversity. One of the department's last seven hires was Hispanic, another was Asian, and the other five were women, according to an unauthorized memo by search committee member Dr. Robert Grone. The final list of nine candidates contained two women and seven men; the men came from a variety of countries, and one had a Hispanic surname. It may not be clear how diversity helps students learn math, but if it does, they should be learning a lot.

Nonetheless, the searches were canceled, then reopened with a new search committee. The two positions have yet to be filled.

Moss, citing confidentiality, refuses to explain why she deep-sixed the searches. Nor will she define "diversity," or specify whether it includes such factors as race, national origin, or gender—i.e., the criteria prohibited by California law. But then, Moss—who is also a lawyer—doesn't believe California law applies to SDSU. The college gets subsidies from the federal government, and therefore, she argues, federal diversity requirements take precedent.

The trouble with this line is that federal law doesn't require SDSU to consider the criteria that state law prohibits. So even if you agree that the feds trump the states, any California university that hires someone based on his or her race, sex, or national origin is still breaking the law.

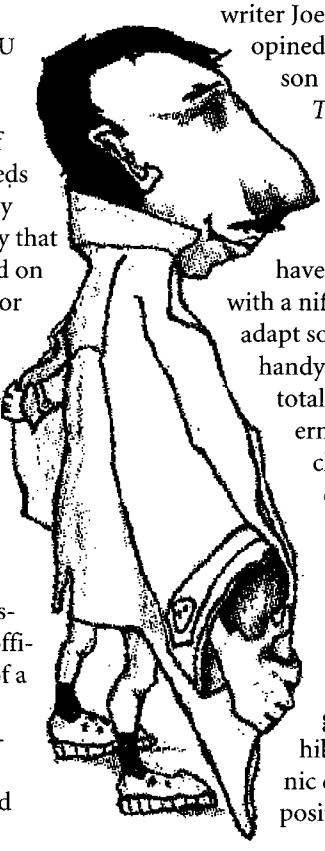
City Beautification

By Mariel Garza

In Waukesha, Wisconsin, the city officials are dreaming of a pretty downtown, with fixed-up buildings, a rejuvenated business district, and none of those loud, alcoholic, pee-in-the-stairwell types who populate run-down city centers across the country. Rather than merely pine for such a place, police in this small city of about 62,000 just west of Milwaukee plan to ban people who have committed a crime in the downtown area from setting foot on its streets ever again.

Called "mapping out," the new law is sort of a geographic restraining order. To qualify, someone must be arrested for a crime committed within the downtown ban zone. Then police will look at the suspects' background to see if they have a history of committing crimes in downtown—or even non-criminal behavior that happens to be annoying, such as drunkenness, noisiness, or boisterousness. If they fit the profile, they won't be allowed back downtown upon conviction.

Early this year, this unique rule caught the attention of local newspapers. Milwaukee writer Joel McNally opined in the Madison *Capital Times* that "Waukesha law enforcement authorities have come up with a nifty plan to adapt some of the handy tools of a totalitarian government to clamp down on the wanton freedom of citizens in a democracy." He also likened the geographic prohibition to ethnic cleansing, positing that po-



lice would inevitably target racial minorities.

Waukesha County District Attorney Paul Bucher argues that the ban is not that different from the already accepted practices of prohibiting sex offenders from the areas where they committed their crimes or keeping convicted retail thieves from returning to the stores they stole from. Law enforcement won't go after people "willy-nilly in a certain geographical area," Bucher says. "We're being very selective." To back this up, he points out that his office has already rejected the few candidates for exile that police selected in the first month of the ban.

Nonetheless, the county's public defender is concerned about the new system, noting that police could use it to kick vaguely defined "undesirables" out of town. Since the ban has yet to be actually applied to anyone, it's unclear whether anyone will challenge it in court.

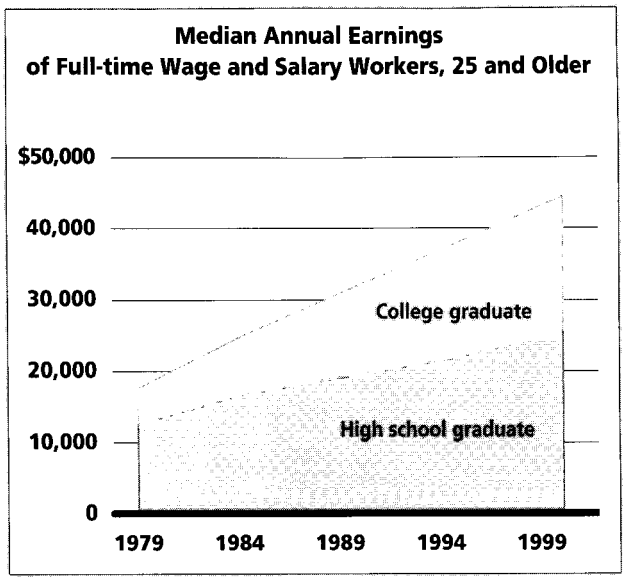
DATA

Powerful Credentials

By Michael W. Lynch

People worry a lot about the cost of college. Parents fret about paying the bills. Think-tank sages pull their chins and fret about rising tuition and levels of student debt. There's no question that college costs some serious dough. The College Board, makers of the SAT, estimate that tuition, room and board, and all other related expenses come to about $11,000 a year for students at in-state public colleges and almost $24,000 for private institutions. No wonder, then, that Americans gobbled up $37 billion in student loans last year.

But maybe all that expense and debt is worthwhile. How much a college education costs may be less important than how much a college education might be worth. Or, as the debt set might put it, "What kind of return can I expect from my investment in college?"



Source: Bureau of Labor Statistics

The answer: a big one. Data from the Bureau of Labor Statistics show that, in 1999, college graduates earned 76 percent more than people whose education ended with high school. This "earnings premium" nearly doubled from 38 percent in 1979. Over a 40-year career, the cost of not going to college adds up to nearly half a million dollars. Which helps explain why enrollments—and student debt—continue to grow.

Amtrak Accounting

By Michael W. Lynch

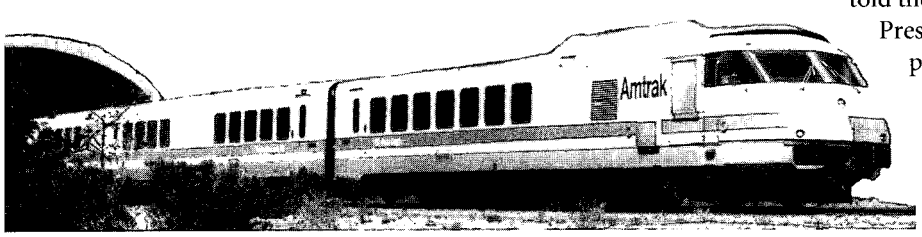
For private businesses, being self-sufficient means covering all your costs. For Amtrak, recipient of more than $23 billion in subsidies since 1971, it means covering *any* of its costs. Certain incidentals don't count as legitimate expenses—like maintenance of locomotives and passenger cars, depreciation on this equipment, and employees' retirement plans. Or so say Secretary of Transportation Rodney Slater, Amtrak Chairman Tommy Thompson (who moonlights as the welfare-slashing governor of Wisconsin), and some of the senators who oversee Amtrak's government-granted monopoly.

In late January, the Amtrak Reform Council, established a few years ago to help Amtrak locomote entirely on its own steam, released a report projecting operating losses of $567 million in 2002. Under a 1997 law, Amtrak must develop a plan to privatize itself—"complete liquidation" is the exact legislative language—if it is unable to cover its costs by the end of that fiscal year.

The Reform Council report didn't start the dreaded privatization process, but Amtrak, and interest groups earning a living off it, still denounced its findings. Sonny Hall, head of the AFL-CIO transport workers union, told the Associated Press that the report should have been called, "A Preliminary Death Wish for Amtrak." The National Association of Railroad Passengers, a D.C. lobby that's been fighting for subsidized train service since 1967, was adamant that just because a law mandates self-sufficiency doesn't mean it requires Amtrak to *support itself.*

The Senate Commerce Committee held a hearing on February 24 to explore the issue, where Gov. Thompson maintained that forcing Amtrak to cover all its costs would doom its chances at ever being self-sufficient. Sens. Kay Bailey Hutchinson (R-Texas) and John Kerry (D-Mass.) agreed, and urged the Amtrak Reform Council to adopt lower standards.

Problem solved. ▶



BRICKBATS

◆ In medieval times, labyrinths were used to promote prayer and contemplation. Now, with the blessing of local clergy, officials have added a labyrinth to the San Jose county jail. Religious leaders say it can teach inmates to develop a spiritual life, helping them escape drug addiction and crime. At least one prisoner begs to differ: "I think they should tear the whole thing out and put in a swimming pool," she said, "so we can cool off in the summer."

◆ Everyone's used to nonsmoking sections in restaurants. If state Rep. Robert Bugielski gets his way, Illinois will soon require noncellular sections as well. Under his bill, if a patron asks to be seated away from any cellular phones, and a restaurant refuses, the business could face a $3,000 fine.

◆ Late last year, employees at Florida's SeaWorld found Daniel Dukes' naked corpse draped over a killer whale. Dukes had apparently slipped past security, stripped down to his underwear, and jumped, fell, or gotten pulled into the water. Park officials suspect he drowned trying to swim with the whale. Now his family is suing SeaWorld, saying the park failed to warn people that the animal could kill people who entered the water. Apparently, naming it a *"killer* whale" wasn't enough.

—Charles Oliver

Pizza Wars

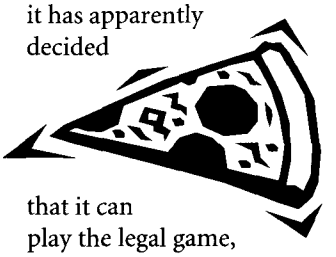
By Mariel Garza

In the fast and loose world of advertising, every product hawked is the best, or at least better than something else—not to mention new and improved. In this respect, at least, we customers aren't dumb: We know that this is a bragging game and that we shouldn't take every claim literally.

But apparently we aren't smart enough to figure that out about the slogan, "Better Ingredients. Better Pizza," used by the Louisville-based chain Papa John's. In January, a Dallas judge ordered Papa John's to stop using the slogan, and to pay Pizza Hut almost $500 million for the damage the ads had allegedly done.

The war began a few years ago, when Papa John's launched an ad campaign comparing its ingredients to what "other chains use," making particularly derisive references to dehydrated tomato paste. Pizza Hut responded with a "Stoppa the Poppa," campaign, which included such inspired silliness as putting Papa John's name on miniature punching bags and doormats. Finally, Pizza Hut sued its upstart rival for deceptive advertising tactics, arguing that Papa John's could not prove its pizza and ingredients were "better" than the Hut's.

Papa John's is appealing the ruling. In the meantime, it has apparently decided



that it can play the legal game, too: It has asked the U.S. patent office to reject Pizza Hut's slogan, "Best Pizzas Under One Roof."

The East Is Wired

By Brian Doherty

The corporate barons who own most pop music in the United States and Europe hate MP3, a computer-file format that makes it easy to post CD-quality music on the World Wide Web. Although it has so far mostly been used by unsigned acts and would-be pop stars to distribute their own music, record labels argue—not incorrectly—that MP3 also makes it easier to reproduce and distribute unauthorized versions of copyrighted material.

It's somehow fitting, then, that China, a nation often accused of coddling those who pirate Western entertainment products, is now planning to launch its very own state-financed and -regulated MP3 site in late spring. The site is a joint venture with an American company called Houston Inter-Web Design.

The Chinese Ministry of Culture, which will review all music posted on the site, envisions a place where all of China's 1.2 billion potential Madonnas and Ricky Martins can tunefully sing the praises of the state to a worldwide audience. As Western record labels are finding out, however, technologies that ease the transmission of information have a way of escaping centralized control. Chinese authorities may think they're creating a music portal that will be easy to supervise and turn to their own purposes, but they may be singing a different tune once the site goes live.

☛ "Every time a fuel truck overturns and burns on the highway, there is renewed pressure to cease shipment of fuel by truck. Complainants fail to produce any alternative—are we to have pipelines or railroad spurs into every gas station?"

—R.W. Johnson, "The Energy Crisis & How To Solve It"

☛ "A recent national poll...showed that 69 percent of Americans believe their government consistently lies to them—as compared with 35 percent who held this belief in 1972."

—Manuel S. Klausner, "Publisher's Notes"

☛ "Now, in 1975, the debate is over *which* national health insurance we'll get, not whether."

—Lynn Kinsky, "Waiting for Gulag"

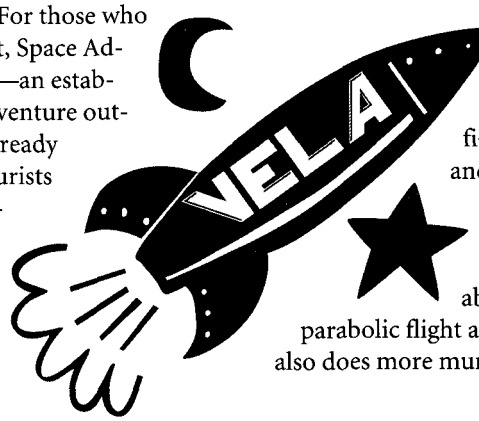
Space Cruise

By Mariel Garza

Cruising through the Sunday newspaper coupons a few months back, you may have been surprised to discover that one of the more fabulous vacation giveaways would take you to a beachless spot less than 75 miles from home—or, rather, *above* home. Dole Foods was giving away a sub-orbital journey on a tourist-bearing space shuttle cruise.

The grand prize: a week-long "space experience" package with Virginia-based Space Adventures, including two days at a space institute, three days of astronaut training, travel, lodging, meals, and, of course, a spaceman's view of the big blue marble. It's a pretty pricey giveaway (retail value: approximately $100,000). Then again, the odds are even more astronomical than usual. That's because the trip's vehicle, the Vela Space Cruiser, isn't actually built yet. (Dole includes a disclaimer that says the winner will get $50,000 if the trip fails to blast off before the end of 2003.)

The lack of an actual spaceship hasn't stopped more than 140 people from plunking down deposits to reserve spots on Space Adventures' future cruises, says company spokesman Chris Faranetta, who adds that liftoff is scheduled to launch by 2004. For those who can't wait, Space Adventures—an established adventure outfitter—already books tourists on space-related journeys, such as high-altitude rides on Russian fighter jets and zero-gravity adventures aboard parabolic flight aircraft. It also does more mundane tours, such as U.S. Space Shuttle launches and stargazing.



Several other companies are also thinking up ways to lure you and your vacation dollars into space: Virgin Atlantic's Richard Branson has announced plans for his next venture, Virgin Galactic Airways, and other established companies have talked about building hotels in orbit. To cynics, it may all sound hopelessly starry-eyed. Then again, it wasn't that long ago that no one but soldiers and scientists traveled to the North Pole or Antarctica. Now cruise lines regularly shuttle tourists to those terrestrial spots.

SOUNDBITE

Music Man

By Jesse Walker

Thirty-six-year-old country singer Robbie Fulks spent a couple of years trying to make it in Music City, an experience that eventually led to "Fuck This Town," the nastiest anti-Nashville anthem since Waylon Jennings asked "Are You Sure Hank Done It This Way?" Now based in Chicago, Fulks isn't afraid to take on his own fan base either: His latest CD, *The Very Best of Robbie Fulks* (Bloodshot), includes a ditty called "Roots Rock Weirdoes," in which one of the title crowd announces a plan to "reclaim music from the kids for our fat dead cracker king."

ELAINE MOORE

Not all of Fulks' songs are angry or sarcastic, but most are clever and well-performed. An individualist in politics as well as temperament, Fulks calls himself a libertarian (and a *Reason* reader). Associate Editor Jesse Walker spoke with him recently via telephone.

Q: Why is country music so bland and conservative?

A: I think it's capitalism working. I don't think there's a conspiracy of evil Nashville fat cats out to deprive the people of their hardcore country music. I don't think there's a lot of *interest* in hardcore country music, and they're reading the market correctly.

I also think that, just like in any business, when something hits big—like Garth Brooks hit big—all of a sudden everyone aspires to be a second-rate Garth, to keep that little cycle alive as long as possible so everybody can make money as long as possible. And then Shania Twain comes along, and all of a sudden it's all young, good-looking women singing fluffy pop songs. Which, incidentally, is to my taste an improvement on the Garth cycle.

Everything is so weighty. Weighty in the way that *The Oprah Winfrey Show* is weighty—which is a false kind of weightiness. I think Nashville's definitely lost its sense of humor. I miss the novelty stuff.

Q: In the 1970s, a lot of country singers combined an outsider image with mainstream success. Do you think that's possible anymore?

A: I don't think the culture's accepting it. I grew up in the '70s, when the culture was a lot more laissez-faire, open-minded, and generally scabrous than these days. There's a sort of puritanism in the air nowadays that wasn't there when I was growing up. *Mad* magazine, *National Lampoon*, the after-effects of Lenny Bruce—it was different.

Q: On the other hand, this is the age of *The Simpsons* and *South Park*.

A: I think the two drive each other. Howard Stern is sort of a mainstream phenomenon, and *South Park* too. But you have that on the one end, and on the other you have this overarching, awful blandness. That's reflected in the most popular music in America, which is country music.

D.C. Valentines

In which our man in Washington gets lectured on chastity, talks morality with Newt, and watches wannabe pols woo big money donors.

By Michael W. Lynch

Date: 2/11/2000 11:45 AM
From: mlynch@reasondc.org
Subject: Cocktail Chat

It was a parody of a politician's remarks at a cocktail reception, according to an eyewitness. My source, who craves and deserves anonymity, witnessed 20 minutes of inspired gibberish courtesy of the House majority leader, Rep. Dick Armey (R-Texas), at a cocktail reception for Star Parker's Coalition for Urban Renewal and Education.

Armey quoted the Old Testament and spoke of the joys of fatherhood and welfare reform. He paused to check his zipper. At one point he spoke of "Willie" and asked the mostly black crowd, "You guys know who Willie Nelson is, don't you?" before explaining, "He's big in Texas." Armey was met with quizzical stares.

And then there was Armey's necessary but uncomfortable segue into praising Newt Gingrich, the evening's keynoter. Armey was rambling about how it is hard in Washington to find models of personal integrity and family values and then, without hesitation, he said he would like to introduce Newt Gingrich. "I think the term 'moral conduct' was in there," says *National Review*'s Ramesh Ponnuru (not my source, incidentally), who started edging to the bar during Armey's remarks. "If you didn't know that Dick Armey lacks guile, you would have thought it was an elaborate put-down of the former speaker."

To his credit, the recently divorced Newt was attending the event with two boy lackeys, and not the thirty-something staffer he boffed all those years while he was restoring moral values to this great nation.

But I missed all of that: I was attending a party in celebration of REASON contributor Jonathan Rauch's latest book, *Government's End: Why Washington Stopped Working.* Indeed, I arrived just after Armey left. "You missed a great Armey speech," one of his aides told me as I entered the Washington Court Hotel.

Date: 2/14/2000 3:57 PM
From: mlynch@reasondc.org
Subject: Funny Valentine from the Chastity Revolution

"It appalls me," testified Phil Sapienza, a Maryland community college student standing behind a podium in National Press Club's Murrow Room. Sapienza looked very much the urban hipster: both ears pierced, close-cropped hair, and black bowling shirt. Phil, along with three other continent students, was ringing in National Chastity Week on the first Valentine's Day of the new millennium (or the last of the old millennium). He wasn't simply appalled —he was also "ticked off" that he couldn't even watch an episode of *The Simpsons* without sex coming up. And just forget about MTV, said Phil testily; it's just all sex these days. For a chaste fellow like Sapienza, such programming is extremely frustrating. Then again, given his vow, even *Who Wants to Be a Millionaire* probably leads to impure thoughts.

Also up at the repression rally: Tracy, a blue-eyed, bottle-assisted blond who unfortunately bore a striking resemblance to legendary porn queen Nina Hartley. Tracy was a "sex educator"—or perhaps more accurately, a *non*-sex educator—and she was venting what must be years of built-up frustration. She spoke of "sexual purity," and claimed to be making her case for chastity on the foundation of science. "Truth speaks through science," said twenty-something Tracy, who also noted that kids always fall below whatever standard you set for them. Therefore, she concluded, if adults give teenagers condoms, they won't even use them. She figured that if standards are set high enough—like never, ever have sex or even engage in heavy petting—America's youth will embrace them.

Date: 2/16/2000 5:04 PM
From: mlynch@reasondc.org
Subject: Max Tax Morality Swing

Newt Gingrich doesn't always leave the other woman at home. Last night, the former speaker and the potential third Mrs. Gingrich chose to celebrate National Chastity Week by swinging the night away at the American Enterprise Institute's annual dinner.

The place was packed with conservativoid movers and shakers: P.J. O'Rourke, Charles Murray, David Brooks and Andrew Ferguson of *The Weekly Standard*, Rep. Christopher Cox, Jeanne Kirkpatrick (reaching for the Ravenswood Zinfandel with diplomatic aplomb), anti-feminist author Danielle Crittenden and her husband David Frum (whose latest tome, *How We Got Here*, tut-tuts the '70s for sex, drugs, and rock 'n' roll), Michael Novak (who,

HENRY PAYNE

I assume, sat out that part of the '70s), Robert Bork (ditto), and Arianna Huffington (maybe not).

All were on hand to see AEI President Christopher DeMuth accept AEI's annual award and an illustrated Bible. The petit filet and salmon dinner and scrumptious chocolate dessert (sort of a mud pie without the ice cream) were just gravy. It wasn't a format that favored the speaker, but DeMuth's comments on life and politics in an affluent age went over well, even with a people who'd been cocktailing on empty stomachs for two hours by the time he finished. "Government sprawl, strip-mall socialism," is how he characterized Clinton's micro-initiatives. He also proclaimed that we live in an age when "liposuction competes with diet and exercise."

Speaking of which, Newt is popping up all over D.C. these days. He's not drawing the crowds he once did and people feel free to leave a room while he's speaking—behavior unimaginable when he was in his prime. Still, Gingrich is attempting to talk his way back into the policy fray: He's posting big thoughts on his Web site www.maxtax.org. And he's pushing pet policies, such as personal accounts for Social Security and something he calls a "Max Tax."

At the AEI bash, I queried Newt on that Max Tax idea. Newt says that it's a "moral imperative" that total government taxation at all levels should not be greater than 25 percent of a person's income. What, I asked, Mr. Speaker, makes 25 percent—which is simply the number that *Reader's Digest* subscribers feel is about right—a *moral* level of taxation? Why not, say, 23 percent or 28 percent?

In fact, Newt told me, it could be 6 percent, as it once was. It turns out that he's not really making a moral case—e.g., all taxation is theft. He cited Tom Jefferson and Marvin Olasky, and said that taxation in *general* is a moral issue, not an economic one. It's important to set a limit, he told me, because that forces politicians to set priorities and make choices.

Sure. But that sounds like economics, not morality, to me. Then again, what do I know about morality? After all, I wasn't out celebrating National Chastity Week with the woman with whom I cheated on my wife for many years.

Date: 2/17/2000 2:43 PM
From: mlynch@reasondc.org
Subject: Growing Good Congressmen

This Valentine's Day is an important one for Ric Keller, though not because he's abstaining from sex or courting a potential new bride. He is, however, doing a lot of begging and pleading. Keller's a Florida lawyer eager to take Rep. Bill McCollum's (R-Fla.) place in the U.S. Congress. That's why Keller's standing in a room at a D.C. conference center, and trying to woo donations from a newly formed PAC called The Club for Growth.

The Club for Growth is an EMILY's List for the small-government crowd. EMILY's List, as you may know, stands for "Early Money Is Like Yeast." It's a 50,000 member organization that coordinates campaign contributions for pro-choice Democratic women candidates. Its clever organizational structure circumvents traditional limits on political action committees. The typical PAC gets people to give it up to $5,000; then it cuts checks in its name for up to that same amount—the legal PAC limit in a federal election cycle—to incumbents or candidates who are on the right side of its issues. EMILY's List instead "bundles" individual contributions and forwards them directly to particular candidates, thereby circumventing that $5,000 limit.

That's the model The Club for Growth is following. On the policy side, the club will support candidates pledged to shrinking government. It wants to put big coin—an average of $300,000—behind six candidates who are either challenging an incumbent or running for an open seat. Since April 1999, it has already raised $1.5 million from 1,000 members. Stephen Moore, the group's head who moonlights as director of fiscal policy studies at Cato, says members of the club are out to "improve the genetic pool in Congress" by writing checks to Republican candidates committed to cutting taxes, reforming Social Security, and implementing school choice.

So that's the crowd Ric Keller is working this Valentine's Day. No wonder he looks so nervous: If he convinces this collection of free-market folks that he's a true believer and a viable challenger, one day soon he may open a FedEx package stuffed with $250,000 to $500,000 worth of checks. But he only has five minutes to make his case, and the egg timer is ticking (that's $1,666 a click!). Then he'll face questions for another 20 minutes.

Tracy was a "sex educator"—perhaps more accurately, a *non*-sex educator—and she was venting what must be years of built-up frustration.

As this blind date gets underway, it seems that Keller, despite the sweat on his temples, may be an attractive suitor to the club: He's pro-gun, pro–tax cut, and pro-life. He doesn't see any need for an Internet sales tax. He stumbles a bit on immigration—there are already an awful lot of people in Orlando, he says, even if businesses are having a hard time filling job vacancies. But that's OK, because he's eager to take an ax to the Rural Electrification Commission, the Davis-Bacon Law, and the U.S. sugar program.

Atta boy! He just better not forget any of his prenuptial promises if he actually makes it to Congress one day. These folks will be watching. And as Newt Gingrich could warn him, political divorces can get just as ugly as marital ones.

Experience *Reason*'s 2nd Annual Dynamic Visions Conference

On the Verge: Creative Mixing on the Frontiers of Business, Society, Art, and Technology • San Jose, CA • February 19–21, 2000

Dynamic Visions CONFERENCE

Audio and Videotape Order Form

1	1V	**On the Verge: Exploring the Frontiers of Creative Encounter** with Virginia Postrel, editor-at-large, *Reason*, author, *The Future and Its Enemies*
3	3V	**Popular Culture on the Verge** with Nick Gillespie, editor-in-chief, *Reason*
5	5V	**Mathematics, Computers, and the Art of Textile Design** with Jhane Barnes, president, Jhane Barnes Inc.
6	6V	**The Geek and the Dilettante: Sharing Knowledge Across Specialities** with Steven Postrel, UC-Irvine Graduate School of Management
7	7V	**Mars Direct: Humans to the Red Planet within a Decade** with Robert Zubrin, founder, The Mars Society, author, *The Case for Mars*
8	8V	**The Future of Nature: How to Have Both Civilization and Nature in the 21st Century** with Daniel Botkin, president, Center for the Study of the Environment, UC-Santa Barbara ecologist, author, *Discordant Harmonies*
9	9V	**Can Industry Save the Planet? The Rise of Industrial Ecology** with Lynn Scarlett, executive director, Reason Public Policy Institute
10	10V	**Thinking Long in the Millennium** with Gregory Benford, astrophysicist, UC-Irvine, author, *Timescape*, *Deep Time*, and *Cosm*
11	11V	**Free Agent Nation** with Dan Pink, contributing editor, *Fast Company*
12	12V	**Home and Work: Drawing the Boundaries** with Christena Nippert-Eng, sociologist, Illinois Institute of Technology, author, *Home and Work* and *Transition to Telecommuting*
13	13V	**Culture and Collision: Media and Innovation in the Internet Age** with Adam Clayton Powell III, vice president, technology and programs, The Freedom Forum
14		**Dark Verge? The Uneasy Case of Vienna 1900** with Charles Paul Freund, senior editor, *Reason*
15	15V	**Some Thoughts on the Burrito and the Browning of America: Eroticism and Appetite in Post-Colonial America** with Richard Rodriguez, essayist and author, *Hunger of Memory* and *Days of Obligation*

BUY 6 GET 1 FREE!

CIRCLE corresponding tape number to indicate tape choice(s)

Mail orders to:
VWTapes
265 Meridian Ave., studio 10
San Jose, CA 95126

For credit card orders:
408-295-2939
888-VWTAPES
fax: 408-295-3925
e-mail: orders@vwtapes.com

ORDER ONLINE!!
www.vwtapes.com

Shipping & handling:

1 audiotape	$2
2-5 audiotapes	$4
6-17 audiotapes	$6
18-50 audiotapes	$12
51-70 audiotapes	$18
videotapes	$4/tape

Prices listed are U.S. delivery only. Ask or call for delivery outside U.S.

I have ordered:

_____ audiotapes X $10 = $_____
_____ videotapes X $30 = $_____
_____ full-set audio X $115 = $_____
_____ full-set video X $350 = $_____
Shipping (see left): $_____
TOTAL: $_____

☐ Check or money order payable to VWTapes enclosed ($20 returned check fee)

☐ Visa ☐ MasterCard ☐ AMEX ☐ Discover

Acct #_____ Exp Date_____

Signature_____

Please ship my tapes to:

Name (or attach business card)_____

Company_____

Address_____

City/State/Zip_____

Phone_____ E-mail_____

This shipping address is a: ____residence ____business

Thomas W. Hazlett

Toll Calls

The long-distance guide to economic indicators

The *Wall Street Journal* and the Heritage Foundation annually rank the countries of the world on a scale of economic freedom. It's an arduous task, involving a multitude of judgment calls about comparisons of legal liability, tax policy, immigration laws, and more.

Here's a database which saves everyone a lot of work: the rate card from U.S. long-distance provider Startec (see Table). Simply by listing the price-per-minute of calls, it delivers a useful metric of how governments screw with people's economic well-being and, literally, freedom of speech.

Robert Crandall, a superb economist at the Brookings Institution, has estimated the actual costs of providing phone service around the globe. In the United States, he figures the expense, including fixed capital costs, to deliver a minute of long-distance is less than 2.5 cents. Administrative and billing costs go on top of that, but are modest and can be covered by monthly charges of $3 to $4 per subscriber.

International long-distance charges are roughly analogous. Vast fiber-optic cables deliver huge, cheap capacity to every corner of the planet. Even in the most remote, landlocked zones, satellites can beam down a dial tone for about 5 cents a minute. Bundled with local service, Crandall says the actual cost of reaching out and touching someone anywhere on Earth is less than 7 cents per minute.

But you'll pay more. Charges vary from about 8 cents in the U.S., U.K., and Canada to 19 cents in Mexico to a whopping 79 cents in Pakistan. Is that because Pakistanis are such stimulating conversationalists that callers are willing to spend oodles more to chat with them? Not exactly.

When permitted, competition drives down the price of long-distance service almost to the cost of service. The political climate can preempt that natural process, however. So the cost of doing business swings wildly, as do fee schedules for connecting with state telephone monopolies.

Per-minute charges for long-distance calls through Startec

Belarus	39¢
Canada	7.9¢
China	38¢
Egypt	59¢
El Salvador	44¢
France	9.9¢
Germany	9.9¢
Guatemala	31¢
Hong Kong	13.9¢
India	54¢
Iran	69¢
Japan	15.9¢
Korea	21.8¢
Lebanon	65¢
Malaysia	47¢
Mexico	19¢
Nicaragua	46¢
Pakistan	79¢
Poland	24¢
Russia	29¢
Saudi Arabia	68¢
Taiwan	17.9¢
Thailand	39¢
United States	7.9¢
United Kingdom	7.9¢

The differences in per-minute charges are essentially attributable to public policy—imposed charges, taxes, regulations, and monopoly barricades sealing off a nation's citizens from the efficiencies of markets. The variance on the rate chart says a lot about political behavior. Economic freedom flourishes when government opportunism is constrained through relatively free elections and open markets.

Where rulers lounge comfortably in their castles, the peasants are routinely treated as hostages. The king exacts a tribute every time a serf touches a dialpad or answers the phone. The mark-ups are rich—20 cents a minute here, 60 cents there—but are not simply cream skimmed by the potentates. That money gets spread around to tollkeepers and to cronies awarded fat franchises. Most of the lucre is squandered in inefficiencies, including regulatory uncertainty (tyrannical governments are known to confiscate private property).

Even in the good old U.S. of A., phone costs are politically padded. Hefty "access fees" are tacked onto bills to pay for universal service subsidies, while major competitors (you know them as the Baby Bells) are still largely barred from competing with AT&T, MCI, and Sprint for long-distance customers. In developing countries, huge surcharges on incoming long-distance calls are justified as bilking rich foreigners. In some places, nine in 10 international phone calls originate from outside the country, so the domestic government argues that such a policy helps locals by getting non-locals to generate revenues.

In truth, it establishes a quarantine more effective than any set of sanctions a foreign power could mount. Residents of such realms are effectively cut off from international commerce and a host of global opportunities. Modern communications are stalled, free speech stifled, economic development thwarted. Hell, in our kingdom even a criminal suspect gets to make a free phone call. Thanks to kleptocrats around the world, billions of our brothers and sisters regard such a modest consideration living large.

Contributing Editor Thomas W. Hazlett (hazlett@primal.ucdavis.edu) is a resident scholar at the American Enterprise Institute and a professor of economics at the University of California at Davis.

EARTH DAY THEN AND NOW

MIYUKI SENA

The planet's future has never looked better. Here's why. • By Ronald Bailey

Thirty

years ago, 20 million Americans participated in the first Earth Day on April 22, 1970. Fifth Avenue in New York City was closed to automobiles as 100,000 people joined in concerts, lectures, and street theater. More than 2,000 colleges and universities across America paused their anti-war protests to rally instead against pollution and population growth. Even Congress recessed, acknowledging that the environment was now on a political par with motherhood. Since that first Earth Day, the celebrations have only gotten bigger, if somewhat less dramatic: The organizers of Earth Day 2000, to be held April 22, expect 500 million people around the globe to participate in celebrations, workshops, and demonstrations. This year's theme is "clean energy" and the master of ceremonies for the big celebration on the Washington Mall is none other than Leonardo Di Caprio.

The first Earth Day was the brainchild of Gaylord Nelson, the Democratic senator from Wisconsin. The moment was obviously ripe. Nelson had proposed a national "teach-in" on the environment in September 1969 and only eight months later, everything was in place for the single largest national demonstration in American history. Dramatic events such as the Cuyahoga River bursting into flame in 1969, the blowout of an oil well off Santa Barbara, and the "death" of Lake Erie due to pollution all fed Americans' concerns. The sorry state of America's environment hit home for me when, as a 16-year-old high school student from the mountains of Virginia, I visited George Washington's home, Mt. Vernon, on a marching band trip. Bobbing in the nearby Potomac was a sign warning visitors not to come in contact with the water.

Earth Day 1970 provoked a torrent of apocalyptic predictions. "We have about five more years at the outside to do something," ecologist Kenneth Watt declared to a Swarthmore College audience on April 19, 1970. Harvard biologist George Wald estimated that "civilization will end within 15 or 30 years unless immediate action is taken against problems facing mankind." "We are in an environmental crisis which threatens the survival of this nation, and of the world as a suitable place of human habitation," wrote Washington University biologist Barry Commoner in the Earth Day issue of the scholarly journal *Environment.* The day after Earth Day, even the staid *New York Times* editorial page warned, "Man must stop pollution and conserve his resources, not merely to enhance existence but to save the race from intolerable deterioration and possible extinction." Very Apocalypse Now.

Three decades later, of course, the world hasn't come to an end; if anything, the planet's ecological future has never looked so promising. With half a billion people suiting up around the globe for Earth Day 2000, now is a good time to look back on the predictions made at the first Earth Day and see how they've held up and what we can learn from them. The short answer: The prophets of doom were not simply wrong, but *spectacularly* wrong.

More important, many contemporary environmental alarmists are similarly mistaken when they continue to insist that the Earth's future remains an eco-tragedy that has already entered its final act. Such doomsters not only fail to appreciate the huge environmental gains made over the past 30 years, they ignore the simple fact that increased wealth, population, and technological innovation don't degrade and destroy the environment. Rather, such developments preserve and enrich the environment. If it is impossible to predict fully the future, it is nonetheless possible to learn from the past. And the best lesson we can learn from revisiting the discourse surrounding the very first Earth Day is that passionate concern, however sincere, is no substitute for rational analysis.

Soylent Greens

Imminent global famine caused by the explosion of the "population bomb" was *the* big issue on Earth Day 1970. Then—and now—the most prominent prophet of population doom was Stanford University biologist Paul Ehrlich. Dubbed "ecology's angry lobbyist" by *Life* magazine, the gloomy Ehrlich was quoted everywhere. "Population will inevitably and completely outstrip whatever small increases in food supplies we make," he confidently declared in an interview with then-radical journalist Peter Collier in the April 1970 *Mademoiselle.* "The death rate will increase until at least 100–200 million people per year will be starving to death during the next ten years."

The best lesson we can learn from revisiting the discourse surrounding the very first Earth Day is that passionate concern, however sincere, is no substitute for rational analysis.

"Most of the people who are going to die in the greatest cataclysm in the history of man have already been born," wrote Ehrlich in an essay titled "Eco-Catastrophe!," which ran in the special Earth Day issue of the radical magazine *Ramparts.* "By...[1975] some experts feel that food shortages will have escalated the present level of world hunger and starvation into famines of unbelievable proportions. Other experts, more optimistic, think the ultimate food-population collision will not occur until the decade of the 1980s." Ehrlich sketched out his most alarmist scenario for the Earth Day issue of *The Progressive,* assuring readers that between 1980 and 1989, some 4 billion people, including 65 million Americans, would perish in the "Great Die-Off."

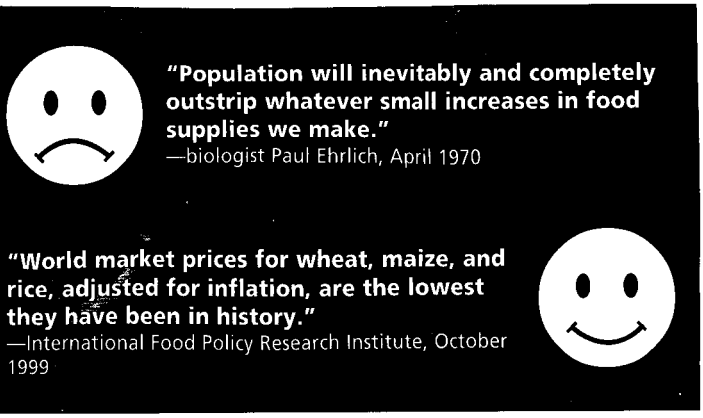
Although Ehrlich was certainly the most strident doomster, he was far from alone in his famine forecasts. "It is already too late to avoid mass starvation," declared Denis Hayes, the chief organizer for Earth Day, in the Spring 1970 issue of *The Living Wilderness.* In that same issue, Peter Gunter, a professor at North Texas State University, wrote, "Demographers agree almost unanimously on the following grim timetable: by 1975 widespread famines will begin in India; these will spread by 1990 to include all of India, Pakistan, China and the Near East, Africa. By the year 2000, or conceivably sooner, South and Central America will exist under famine conditions....By the year 2000, *thirty years from now,* the entire world, with the exception of Western Europe, North America, and Australia, will be in famine" (emphasis in original). Ehrlich and others were openly contemptuous of the "Green Revolution," underway in coun-

tries such as India and Pakistan, that had already nearly doubled crop yields in developing nations between 1965 and 1970. Ehrlich sniffed that such developments meant nothing, going so far as to predict that "the Green Revolution...is going to turn brown." Such fears took form in such popular *Zeitgeist* movies as *Soylent Green* (1973), which envisioned a future of hungry masses jammed into overcrowded cities.

The *Soylent Green* crowd didn't simply predict mass starvation. They argued that even trying to feed so many people was itself a recipe for disaster. As Lester Brown, a former U.S. Department of Agriculture agronomist who would later become far more prominent as the founder of the Worldwatch Institute, put it in *Scientific American*, "There is growing doubt that the agricultural ecosystem will be able to accommodate both the anticipated increase of the human population to seven billion by the end of the century and the universal desire of the world's hungry for a better diet. The central question is no longer 'Can we produce enough food?' but 'What are the environmental consequences of attempting to do so?'"

Even if somehow famine were avoided, what would the world's population be in 2000? Peter Gunter predicted 7.2 billion. Ehrlich foresaw that "by the end of the century we'll have well over 7 billion people if something isn't done." Brown agreed that "world population at the end of the century is expected to be twice the 3.5 billion of today." In the April 21, 1970, *Look*, Rockefeller University biologist and Pulitzer Prize–winning writer Rene Dubos made the shocking suggestion that, "To some overcrowded populations, the bomb may one day no longer seem a threat, but a release."

Time has not been gentle with these prophecies. It's absolutely true that far too many people remain poor and hungry in the world—800 million people are still malnourished and nearly 1.2 billion live on less than a dollar a day—but we have not seen mass starvation around the world in the past three decades. Where we have seen famines, such as in Somalia and Ethiopia, they are invariably the result of war and political instability. Indeed, far from turning brown, the Green Revolution has never been so verdant. Food production has handily outpaced population growth and food today is cheaper and more abundant than ever before. Since 1970, the amount of food per person globally has increased by 26 percent, and as the International Food Policy Research Institute reported in October 1999, "World market prices for wheat, maize, and rice, adjusted for inflation, are the lowest they have been in the last century." According to the World Bank's *World Development Report 2000*, food production increased by 60 percent between 1980 and 1997. At the same time, the amount of land devoted to growing crops has barely increased over the past 30 years, meaning that millions of acres have been spared for nature—acres that would have been plowed down had agricultural productivity lagged the way Ehrlich and others believed it would.


"Population will inevitably and completely outstrip whatever small increases in food supplies we make."
—biologist Paul Ehrlich, April 1970
"World market prices for wheat, maize, and rice, adjusted for inflation, are the lowest they have been in history."
—International Food Policy Research Institute, October 1999

What's the world population? Rather than 7 billion people inhabiting the earth by 2000, there are 6 billion—nearly 30 percent fewer than predicted. That's because total fertility (the number of children a woman has over the course of her lifetime) has been dropping nearly everywhere on the planet since 1970. In fact, it has dropped from around 6 children per woman in the 1960s to around 2.8 today—and shows no signs of stopping. Total fertility rates for 79 countries, including the United States, are below the replacement level of 2.1 children per woman. If present trends continue, it looks like the U.N. low-variant population growth projection is likely, which means that world population will likely peak at around 8 billion in 2040 and then begin to decline. It is true that the AIDS pandemic has cut average life ex-

Earth Day 1970

© JAMES MARSHALL / CORBIS

pectancy in more than 30 countries since 1990, most of them in sub-Saharan Africa. Despite AIDS, however, the World Health Organization expects life expectancy in the developing countries to increase from 65 years to 73 years by 2020. (It's worth noting that any effective treatment for AIDS—a vaccine, say—will most likely emerge from laboratories and pharmaceutical companies, two stock villains in the standard environmentalist morality play, in the rich countries.)

Where did the doomsters go wrong? They assumed that overpopulation drives world hunger. To the extent that such conditions exist in certain places, the real culprit was—and is—poverty. "The images evoked by the term overpopulation—hungry families, squalid, overcrowded living conditions, early death—are real enough in the modern world, but these are properly described as problems of poverty," explains Harvard population researcher Nicholas Eberstadt. "Poverty, like all other possible human attributes, is represented in individual members of a population. It is an elementary lapse in logic to conclude that poverty is a 'population problem' simply because it exists."

In the U.S., air quality has been improving rapidly since before the first Earth Day—and before the federal Clean Air Act of 1970.

Polluted Thinking

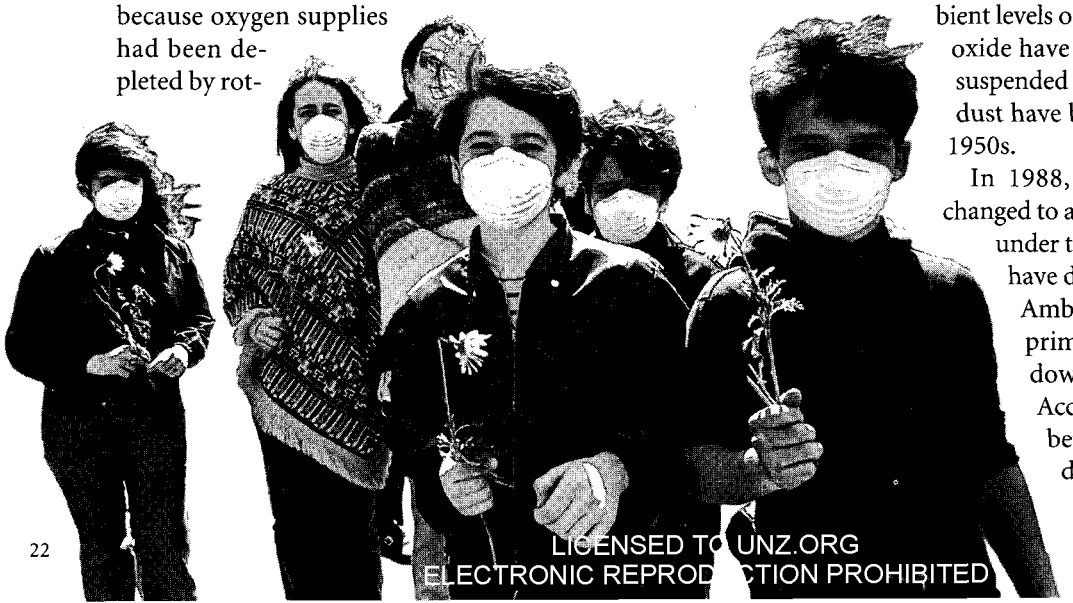
Pollution was the other big issue on Earth Day 1970. Smog choked many American cities and sludge coated the banks of many rivers. People were also worried that we were poisoning the biosphere and ourselves with dangerous pesticides. DDT, which had been implicated in the decline of various bird species, including the bald eagle, the peregrine falcon, and the brown pelican, would soon be banned in the United States. Students wearing gas masks buried cars and internal combustion engines as symbols of our profligate and polluting consumer society. The Great Lakes were in bad shape and Lake Erie was officially "dead," its fish killed because oxygen supplies had been depleted by rotting algae blooms that had themselves been fed by organic pollutants from factories and municipal sewage. Pesticides draining from the land were projected to kill off the phytoplankton in the oceans, eventually stopping oxygen production.

In January 1970, *Life* reported, "Scientists have solid experimental and theoretical evidence to support...the following predictions: In a decade, urban dwellers will have to wear gas masks to survive air pollution...by 1985 air pollution will have reduced the amount of sunlight reaching earth by one half...." Ecologist Kenneth Watt told *Time* that, "At the present rate of nitrogen buildup, it's only a matter of time before light will be filtered out of the atmosphere and none of our land will be usable." Barry Commoner cited a National Research Council report that had estimated "that by 1980 the oxygen demand due to municipal wastes will equal the oxygen content of the total flow of all the U.S. river systems in the summer months." Translation: Decaying organic pollutants would use up all of the oxygen in America's rivers, causing freshwater fish to suffocate.

Of course, the irrepressible Ehrlich chimed in, predicting in his *Mademoiselle* interview that "air pollution...is certainly going to take hundreds of thousands of lives in the next few years alone." In *Ramparts*, Ehrlich sketched a scenario in which 200,000 Americans would die in 1973 during "smog disasters" in New York and Los Angeles.

So has air pollution gotten worse? Quite the contrary. In the most recent National Air Quality Trends report, the U.S. Environmental Protection Agency—itself created three decades ago partly as a response to Earth Day celebrations—had this to say: "Since 1970, total U.S. population increased 29 percent, vehicle miles traveled increased 121 percent, and the gross domestic product (GDP) increased 104 percent. During that same period, notable reductions in air quality concentrations and emissions took place." Since 1970, ambient levels of sulfur dioxide and carbon monoxide have fallen by 75 percent, while total suspended particulates like smoke, soot, and dust have been cut by 50 percent since the 1950s.

In 1988, the particulate standard was changed to account for smaller particles. Even under this tougher standard, particulates have declined an additional 15 percent. Ambient ozone and nitrogen dioxide, prime constituents of smog, are both down by 30 percent since the 1970s. According to the EPA, the total number of days with air pollution alerts dropped 56 percent in Southern



ARCHIVE PHOTOS

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

California and 66 percent in the remaining major cities in the United States between 1988 and 1997. Since at least the early 1990s, residents of infamously smogged-in Los Angeles have been able to see that their city is surrounded by mountains.

Why has air quality improved so dramatically? Part of the answer lies in emissions targets set by federal, state, and local governments. But these need to be understood in the twin contexts of rising wealth and economic efficiency. As a Department of Interior analyst concluded after surveying emissions in 1999, "Cleaner air is a direct consequence of better technologies and the enormous and sustained investments that only a rich nation could have sunk into developing, installing, and operating these technologies." Today, American businesses, consumers, and government agencies spend about $40 billion annually on air pollution controls.

It is now evident that countries undergo various environmental transitions as they become wealthier. *Fortune*'s special "ecology" edition in February 1970 was far more prescient than the doomsters when it noted, "If pollution is the brother of affluence, concern about pollution is affluence's child." In 1992, a World Bank analysis found that concentrations of particulates and sulfur dioxide peak at per capita incomes of $3,280 and $3,670, respectively. Once these income thresholds are crossed, societies start to purchase increased environmental amenities such as clean air and water.

In the U.S., air quality has been improving rapidly since before the first Earth Day—and before the federal Clean Air Act of 1970. In fact, ambient levels of particulates and sulfur dioxide have been declining ever since accurate records have been kept. Between 1960 and 1970, for instance, particulates declined by 25 percent; sulfur dioxide decreased by 35 percent between 1962 and 1970. More concretely, it takes 20 new cars to produce the same emissions that one car produced in the 1960s.

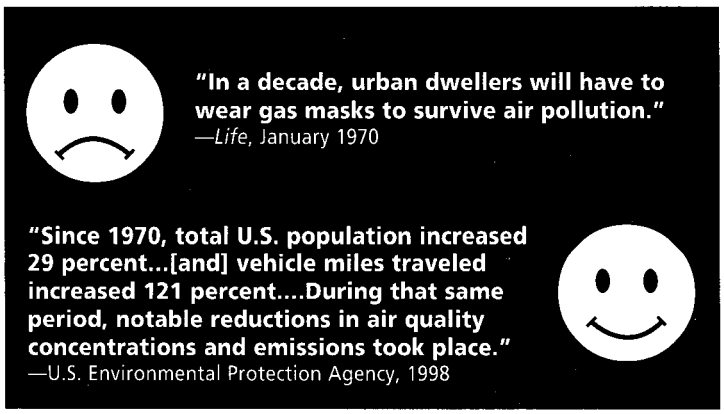
Similar trends can be found when it comes to water pollution. The warning sign is gone from the Potomac and I can swim and fish in that river again. Lake Erie once again supports a $600 million fishing industry, and an upscale shopping and entertainment district now lines the Cuyahoga River in Cleveland. The EPA estimates that between 60 percent and 70 percent of lakes, rivers, and streams meet state quality goals. That's up from about 30 percent to 40 percent 30 years ago.

Since 1972, the United States has invested more than $540 billion in water pollution control efforts, according to the Pacific Research Center. In 1972, only 85 million Americans were served by sewage treatment plants. Since then, some 14,000 municipal waste treatment plants have been built and 173 million Americans are served by them. Similar air and water quality trends can be found in other developed countries as well.

Most environmental problems occur in what are called "open-access commons"—that is, any member of the public may use the resource without paying anyone else for it. Typically, open-access commons still exist as relics of a time when the resource was abundant relative to the number of people using it. If only you and a couple of neighbors lived along a river, you could all dump your sewage in the river because it would naturally purify itself. The same goes for forests—homesteaders could chop them down because there were millions of acres more to be had.

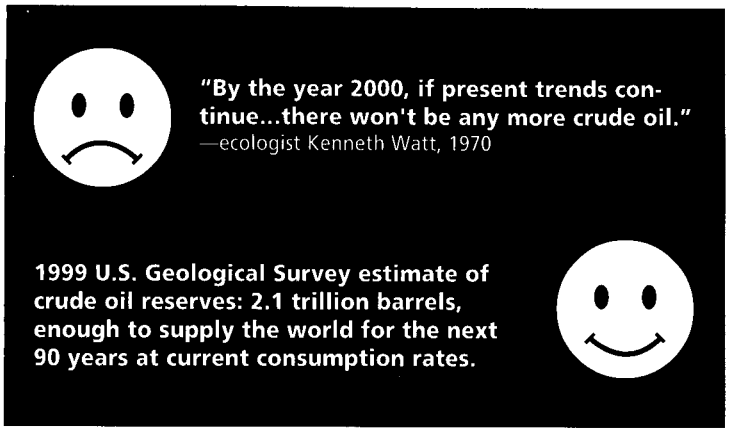
With open-access commons, if you don't use the resource for your own benefit, other people will and you'll simply lose out. The prototypical example of an open-access commons is the old-fashioned village sheep meadow. Because everyone in the village has the right to put sheep on the meadow, each villager has an incentive to put extra sheep on the meadow in order to enrich himself. However, if every villager chooses to add sheep, then the meadow will be destroyed by overgrazing and all villagers will suffer the consequences.

In a related way, people dump sewage into rivers or pump smoke into the air because no one "owns" a river or the air in a traditional sense. We might say that the public "owns" rivers and airsheds, but none of us individually has much of an incentive (or an ability) to stop others from emitting excessive pollutants. Such open-access commons are at the center of most instances of environmental problems today, from the deforestation of tropical rainforests to the potential loss of biodiversity to the depletion of open-sea fisheries.


"In a decade, urban dwellers will have to wear gas masks to survive air pollution."
—*Life*, January 1970
"Since 1970, total U.S. population increased 29 percent...[and] vehicle miles traveled increased 121 percent....During that same period, notable reductions in air quality concentrations and emissions took place."
—U.S. Environmental Protection Agency, 1998

There are two basic ways to address the environmental problems caused by open-access commons. The favored way has been traditional, top-down political regulation, in which an agency prescribes specific pollution-control technology and monitors output. Depending on the situation, this method can score some quick improvements—the shift from leaded to unleaded gasoline had a huge impact on air quality, for instance. But it's more typically slow, costly, and subject to the endless wrangling of interest groups seeking special exemptions and protections. What's more, because it enforces a single standard, it discourages the innovation and experimentation that often lead to new, more environmentally sound ways of doing things. For example, the Clean Air Act effectively mandated that electric utilities use smokestack scrubbers to reduce their sulfur dioxide emissions when other alternatives, such as a switch to burning cleaner coal, would have reduced emissions even further and more cheaply, too.

The other approach to open-access commons harnesses both the creativity of markets and the power of privatization. An overall level of acceptable pollution is set, a market is created through tradeable permits, and then firms are allowed to pursue various means to reach the goal. We find fast, cheap, and efficient environmental improvements where this approach has been tried. In the U.S., for instance, sulfur dioxide emissions have been cut much faster and at less cost since the creation of a (very imperfect) market for such emissions (see "Selling Air Pollution," May 1996). Fisheries in New Zealand and Iceland have dramatically rebounded since they were essentially privatized. And one of the chief reasons that forests are expanding in the U.S. and Europe is because landowners have secure property rights to them. Such gains are not mysterious: If you own a resource, you're far more likely to use it efficiently.


"By the year 2000, if present trends continue...there won't be any more crude oil."
—ecologist Kenneth Watt, 1970
1999 U.S. Geological Survey estimate of crude oil reserves: 2.1 trillion barrels, enough to supply the world for the next 90 years at current consumption rates.

Perversely, many environmental activists still fault markets for not properly valuing "natural capital" or "ecosystem services" and they continue to call for placing more resources in public hands. In effect, they want more open-access commons. But if no one has to pay for the use of a resource, then they consider it to be free. The way to take environmental goods into account is exactly the way we take all other goods into account—we put them into the market where people have to pay for what they use.

Synthetic Arguments

At Earth Day 1970, many Americans feared that synthetic chemicals, especially pesticides, were killing them. No culprit was more singled out than DDT, a pesticide that had been first used in 1946. The World Health Organization originally hailed it as a miracle that had drastically reduced deaths from malaria; its inventor, Swiss chemist Paul Hermann Muller, was honored with a Nobel Prize in 1948.

By 1970, however, DDT had emerged as the symbol of all that was wrong with the modern world. DDT had been implicated in the decimation of several bird species due to eggshell thinning. It was also alleged to cause several human cancers, including breast cancer. DDT was banned in the U.S. by the EPA in 1972; other countries soon followed suit.

Paul Ehrlich warned in the May 1970 issue of *Audubon* that DDT and other chlorinated hydrocarbons "may have substantially reduced the life expectancy of people born since 1945." In his "Eco-Catastrophe!" scenario, Ehrlich put a finer point on these fears by envisioning a 1973 Department of Health, Education, and Welfare study which would find "that Americans born since 1946...now had a life expectancy of only 49 years, and predicted that if current patterns continued this expectancy would reach 42 years by 1980, when it might level out."

Keying off of Rachel Carson's claims about the dangers of synthetic chemicals in *Silent Spring* (1962), *Look* claimed that many scientists believed that residual DDT would lead to an increase in liver and other cancers. Cornell University ecologist Lamont Cole warned an Earth Day audience at Kearney State College in Nebraska that, "We are releasing into the environment more than 500,000 different chemicals." "There is one good thing about the blighting of our environment, that is, that Americans don't have to worry about cannibals anymore," said social critic Herbert Muller in *The New York Times*. "We've all become inedible, there's too much DDT in us."

Contrary to the conventional wisdom at Earth Day 1970, there's a broad consensus that exposure to synthetic chemicals, even pesticides, does not seem to be a problem. In 1996, the National Research Council of the National Academy of Sciences, in a comprehensive report called *Carcinogens and Anticarcinogens in the Human Diet*, concluded that levels of both synthetic and natural carcinogens are "so low that they are unlikely to pose an appreciable cancer risk." The National Cancer Institute reports that "increasing exposure to general environmental hazards seems unlikely to have had a major impact on the overall trends in cancer rates." "Pollution appears to account for less than 1 percent of cancer," concludes University of California biologist and cancer researcher Bruce Ames.

To be sure, the total number of cancer cases in the population did go up from 1973 to 1990, but cancer death rates declined owing to better medical treatments. Cancer incidence went up for some very prosaic reasons: We smoke too much tobacco, we eat too much fat, and we sunbathe excessively. We also live longer and cancer is primarily a disease of old age. In the U.S. since the early 1990s, both the incidence of cancer and deaths from cancer have been declining, not rising. Some analysts, such as Gregg Easterbrook, have recently hinted that this decline in cancer rates is the result of reductions in the amount of toxins released into the environment. Actually, a good bit of the improvement in cancer rates can be attributed to the decline in the number of smokers in the U.S.

Never mind. Cancer is scary enough (and ubiquitous enough—about one-third of Americans will get some sort of cancer during their lifetimes) that it still serves as a good tool for frightening people about alleged environmental contamination. Just this past January, Worldwatch Institute founder Lester Brown ominously noted, "Every human being harbors in his or her body about 500 synthetic chemi-

cals that were nonexistent before 1920." So what? Considering that American lifespans have increased by 20 years, from an average of 56 years in 1920 to 71 years in 1970 to 76 years today, one might be tempted to argue that those synthetic chemicals are prolonging our lives. Certainly, they're not causing damage. Just last year, the National Research Council issued yet another report that found no evidence that synthetic chemicals are causing higher rates of cancer, birth defects, and other problems alleged by Brown.

Meanwhile, banning DDT allowed a resurgence of malaria-carrying mosquitos worldwide. The Malaria International Foundation estimates that there are between 600 to 900 million cases of malaria a year and that about 2.7 million people die of it annually. Spraying DDT had cut malaria deaths from 4 million annually in the early 1940s to 1 million in the 1960s.

Nonrenewable Anxiety

Beyond anxiety over population, pollution, and pesticides, even more speculative concerns were on display at the first Earth Day. Many of these fears—especially the supposed depletion of nonrenewable resources, ostensibly disappearing biodiversity, and apparent global climate change due to human activity—have come to figure far more prominently in our current environmental debates.

The depletion of nonrenewable resources wouldn't take center stage until the publication of the infamous *Limits to Growth* report to the Club of Rome in 1972. The limits-to-growth thesis got a huge boost when oil prices spiked during the Arab oil embargo. But on Earth Day 1970, there were already intimations that this would become a major theme of subsequent celebrations.

"We are prospecting for the very last of our resources and using up the nonrenewable things many times faster than we are finding new ones," warned Sierra Club director Martin Litton in *Time*'s February 2, 1970, special "environmental report." Ecologist Kenneth Watt declared, "By the year 2000, if present trends continue, we will be using up crude oil at such a rate...that there won't be any more crude oil. You'll drive up to the pump and say, 'Fill 'er up, buddy,' and he'll say, 'I am very sorry, there isn't any.'" Later that year, Harrison Brown, a scientist at the National Academy of Sciences, published a chart in *Scientific American* that looked at metal reserves and estimated the humanity would totally run out of copper shortly after 2000. Lead, zinc, tin, gold, and silver would be gone before 1990.

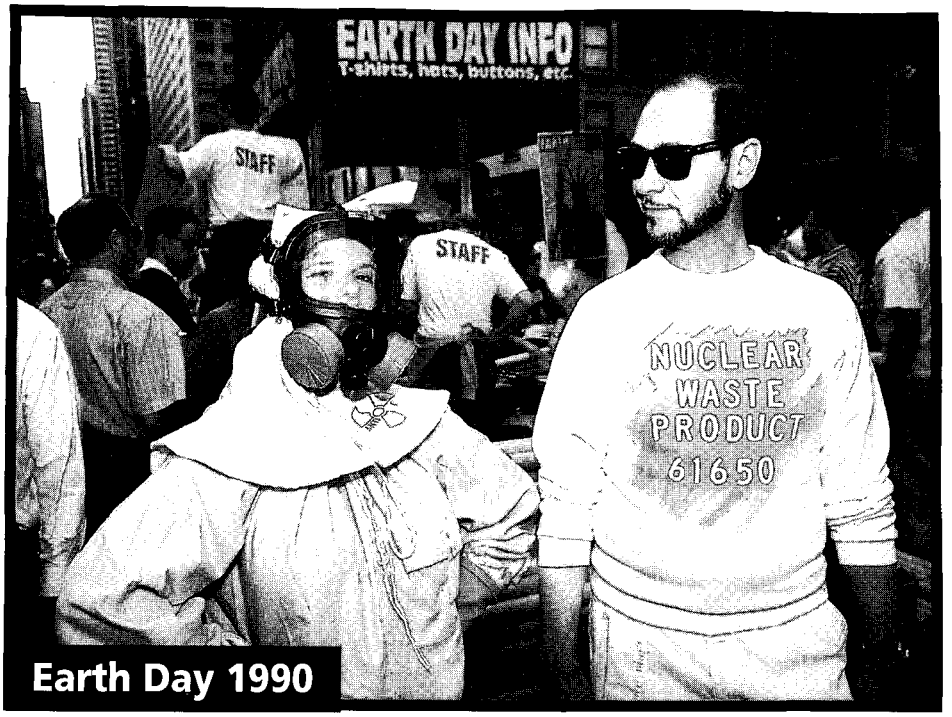
Of course this didn't happen. The prices of all metals and minerals have dropped by more than 50 percent since 1970, according to the World Resources Institute. As we all know, lower prices mean that things are becoming more abundant, not less. The U.S. Geological Survey estimates that at present rates of mining, reserves of copper will last 54 years; zinc, 56 years; silver, 26 years; tin, 55 years; gold, 30 years; and lead, 47 years. What about oil? The survey estimates that global reserves could be as much as 2.1 trillion barrels of crude oil—enough to supply the world for the next 90 years. These reserve figures are constantly moving targets—as they get drawn down, miners and drillers find new sources of supply or develop more efficient technologies for exploiting the resources.

Worries about declining biodiversity have become popular lately. On the first Earth Day, participants were concerned about saving a few particularly charismatic species such as the bald eagle and the peregrine falcon. But even then some foresaw a coming holocaust. As Sen. Gaylord Nelson wrote in *Look*, "Dr. S. Dillon Ripley, secretary of the Smithsonian Institute, believes that in 25 years, somewhere between 75 and 80 percent of all the species of living animals will be extinct." Writing just five years after the first Earth Day, Paul Ehrlich and his biologist wife, Anne Ehrlich, predicted that "since more than nine-tenths of the original tropical rainforests will be removed in most areas within the next 30 years or so, it is expected that half of the organisms in these areas will vanish with it."

There's only one problem: Most species that were alive in 1970 are still around today. "Documented animal extinctions peaked in the 1930s, and the number of extinctions has been declining since then," according to Stephen Edwards, an ecologist with the World Conservation Union, a leading international conservation organization whose members are non-governmental organizations, international agencies, and national conservation agencies. Edwards notes that a 1994 World Conservation Union report found known extinctions since 1600 encompassed 258 animal species, 368 insect species, and 384 vascular plants. Most of these species, he explains, were "island endemics" like the Dodo. As a result, they are particularly vulnerable to habitat disruption, hunting, and competition from invading species. Since 1973, only seven species have gone extinct in the United States.

What mostly accounts for relatively low rates of extinction? Wealth leads the way by both creating a market for environmental values and delivering resource-efficient technology.

What mostly accounts for relatively low rates of extinction? As with many other green indicators, wealth leads the way by both creating a market for environmental values and delivering resource-efficient technology. Consider, for example, that one of the main causes of extinction is deforestation and the ensuing loss of habitat. According to the Consultative Group on International Agricultural Research,



Earth Day 1990

what drives most tropical deforestation is not commercial logging, but "poor farmers who have no other option for feeding their families than slashing and burning a patch of forest." By contrast, countries that practice high yield, chemically assisted agriculture have expanding forests. In 1920, U.S. forests covered 732 million acres. Today they cover 737 million acres, even though the number of Americans grew from 106 million in 1920 to 272 million now. Forests in Europe expanded even more dramatically, from 361 million acres to 482 million acres between 1950 and 1990. Despite continuing deforestation in tropical countries, Roger Sedjo, a senior fellow at the think tank Resources for the Future, notes that "76 percent of the tropical rain forest zone is still covered with forest." Which is quite a far cry from being nine-tenths gone. More good news: In its *State of the World's Forests 1999*, the U.N.'s Food and Agriculture Organization documents that while forests in developing countries were reduced by 9.1 percent between 1980 and 1995, the global rate of deforestation is now slowing.

"The developed countries in the temperate regions appear to have largely completed forestland conversion to agriculture and have achieved relative land use stability. By contrast, the developing countries in the tropics are still in a land conversion mode. This suggests that land conversion stability correlates strongly with successful economic development," concludes Sedjo, in his chapter on forestry in *The True State of the Planet*, a collection of essays I edited. In other words, if you want to save forests and wildlife, you had better help poor people become wealthy.

Of course, the biggest environmental crisis facing humanity nowadays is supposed to be global warming. Not surprisingly, worries about the future climate were a common theme among alarmists on the first Earth Day. However, they couldn't agree on what direction the earth's temperature was going to take.

"The greenhouse theorists contend the world is threatened with a rise in average temperature, which if it reached 4 or 5 degrees, could melt the polar ice caps, raise sea level by as much as 300 feet and cause a worldwide flood," explained *Newsweek* in its special January 26, 1970, report on "The Ravaged Environment." In the service of balance, however, the magazine also noted that many other scientists saw temperatures dropping: "This theory assumes that the earth's cloud cover will continue to thicken as more dust, fumes, and water vapor are belched into the atmosphere by industrial smokestacks and jet planes. Screened from the sun's heat, the planet will cool, the water vapor will fall and freeze, and a new Ice Age will be born."

Kenneth Watt was less equivocal in his Swarthmore speech about Earth's temperature. "The world has been chilling sharply for about twenty years," he declared. "If present trends continue, the world will be about four degrees colder for the global mean temperature in 1990, but eleven degrees colder in the year 2000. This is about twice what it would take to put us into an ice age."

Countries that practice high yield, chemically assisted agriculture have expanding forests. In 1920, U.S. forests covered 732 million acres. Today they cover 737 million acres.

Watt was wrong. Global temperatures didn't fall, and fears of a new ice age dissolved like frost on an early-autumn morning. Since 1988, when government climatologist James Hansen testified before the Senate Energy and Natural Resource committee that he had detected global warming, climate doomsters have switched almost entirely to worrying about global warming. The theory is straightforward—burning fossil fuels like coal and oil puts excess carbon dioxide in the atmosphere; the carbon dioxide traps heat from the sun and re-radiates it, heating up the atmosphere.

It's generally agreed that the earth's average temperature has indeed gone up by 1 degree Fahrenheit or so in the past

© BETTMAN / CORBIS

century. The question now is, How much man-made warming can we expect in the 21st century? Computer climate models originally predicted that atmospheric temperatures might increase between 3 to 5 degrees centigrade by 2100. However, as the models have been refined, their estimates of how much warming might occur have been declining—the range is now down to 1.5 degrees centigrade to 3.5 by 2100. A recent report from the National Research Council noted that "the surface apparently warmed by 0.25 C to 0.4 C since 1979." Remarkably, the NRC panel also estimates the change in the temperature of the atmosphere as being between 0 C to 0.2 C during the same period. In other words, the atmosphere may not have warmed at all since 1979. This is an odd conclusion because the climate computer models have never predicted that the surface would warm first or faster than the atmosphere—in fact, they predict the opposite. Consequently, this gap between surface temperatures and atmospheric temperatures calls the predictive accuracy of the models into serious question.

That doesn't give many doomsters pause. In February, climatologist Tom Karl of the National Climate Data Center issued a study suggesting that global warming is speeding up. In 1997 and 1998, argues Karl, there were 16 consecutive months in which "we were breaking the previous year's all-time global high temperature record." However, University of Virginia climatologist Patrick Michaels (who receives some funding from fossil fuel companies) points out that those 16 months of record high temperatures occurred during the big 1997–1998 El Niño in the Pacific Ocean. During El Niños, water from the western Pacific Ocean spreads eastward, dramatically warming the normally cold waters off the coast of South America and thus boosting average global temperatures. Temperatures have now dropped back to where they were before the El Niño occurred. El Niños are not predicted to be affected by any man-made global warming.

In any case, whatever global warming is occurring is apparently being channeled into winter nights. Summer daytime temperatures do not appear to be warming. Warmer winter nights are far less of a threat to the natural world and humanity than higher summer temperatures. Are our coasts about to be inundated by rising seas due to melting ice caps? The best guess from the U.N.'s Intergovernmental Panel on Climate Change is that the sea level might rise about 8 inches by 2100. While this may seem troubling, keep in mind that sea levels rose by about 6 inches over the last century.

Indeed, a far greater threat for the next century comes from environmental activists. To counteract global warming, they essentially want to plan the energy future of the entire world for the next 100 years. They are enacting the plan through the U.N. Convention on Climate Change and the Kyoto Protocol. The absurdity (and arrogance) of that type of planning becomes clear when one imagines the same exercise taking place in 1900. The best scientific panel available in 1900 would simply not have been able to plan for millions of automobiles and trucks, ubiquitous electric lighting in millions of houses and office buildings, fuel for thousands of jet planes, and millions of refrigerators, air-conditioners, and the like. Virtually none of the devices on this nearly endless list had even been invented by 1900. Given the increasing rate of technological innovation, we undoubtedly have even less chance of foreseeing the future than people in 1900.

Why So Wrong?

How did the doomsters get so many predictions so wrong on the first Earth Day? Their mistake can be handily summed up in Paul Ehrlich and John Holdern's infamous I=PAT equation. Impact (always negative) equals Population x Affluence x Technology, they declared. More people were *always* worse, by definition. Affluence meant that rich people were consuming more of the earth's resources, a concept that was regularly illustrated by claiming that the birth of each additional baby in America was worse for the environment than 25, 50, or even 60 babies born on the Indian subcontinent. And technology was bad because it meant that humans were pouring more poisons into the biosphere, drawing down more nonrenewable resources and destroying more of the remaining wilderness.

"In 25 years, somewhere between 75 and 80 percent of all the species of living animals will be extinct."
—Sen. Gaylord Nelson, April 1970
"Documented animal extinctions peaked in the 1930s, and the number of extinctions has been declining since then."
—World Conservation Union ecologist Stephen Edwards, 1994

We now know that Ehrlich and his fellow travelers got it backwards. If population were necessarily bad, then Brazil, with less than three-quarters the population density of the U.S., should be the wealthier society. As far as affluence goes, it is clearly the case that the richer the country, the cleaner the water, the clearer the air, and the more protected the forests. Additionally, richer countries also boast less hunger, longer lifespans, lower fertility rates, and more land set aside for nature. Relatively poor people can't afford to care overmuch for the state of the natural world.

With regards to technology, Ehrlich and other activists often claim that economists simply don't understand the simple facts of ecology. But it's the doomsters who need to update their economics—things have changed since the appearance of Thomas Malthus' 200-year-old *An Essay on the Principle of Population*, the basic text that continues to underwrite much apocalyptic rhetoric. Malthus hypothesized that while population increases geometrically, food

and other resources increased arithmetically, leading to a world in which food was always in short supply. Nowadays, we understand that wealth is not created simply by combining land and labor. Rather, technological innovations greatly raise positive outputs in all sorts of ways while minimizing pollution and other negative outputs.

Indeed, if Ehrlich wants to improve his sorry record of predictions and his understanding of how to protect the natural world, he should walk across campus to talk with his Stanford University colleague, economist Paul Romer. "New Growth Theory," devised by Romer and others, shows that wealth springs from new ideas and new recipes. Romer sums it up this way: "Every generation has perceived the limits to growth that finite resources and undesirable side effects would pose if no new recipes or ideas were discovered. And every generation has underestimated the potential for finding new recipes and ideas. We consistently fail to grasp how many ideas remain to be discovered. The difficulty is the same one we have with compounding. Possibilities do not add up. They multiply." In other words, new ideas and technological recipes grow exponentially at a rate much faster than population does.

"I'm scared," confessed Paul Ehrlich in the 1970 Earth Day issue of *Look*. "I have a 14 year old daughter whom I love very much. I know a lot of young people, and their world is being destroyed. My world is being destroyed. I'm 37 and I'd kind of like to live to be 67 in a reasonably pleasant world, and not die in some kind of holocaust in the next decade." Ehrlich didn't die in a holocaust, and the world is far more pleasant than he thought it would be. It is probably too much to hope that abashed humility will strike him and he'll desist in bedeviling the world with his dire and consistently wrong predictions. He's like a reverse Cassandra —Cassandra made true prophecies but no one would listen to her. Ehrlich makes false prophecies and everyone listens to him.

There's much to celebrate on the 30th anniversary of Earth Day. Indeed, one of the chief things to get happy about is that the doomsters were so wrong. Civilization didn't collapse, hundreds of millions didn't die in famines, pesticides didn't cause epidemics of cancer, and the air and water didn't get dirtier in the industrialized countries.

On the occasions when they admit things have gotten better, doomsters will claim whatever environmental progress has been made over the past 30 years is only a result of the warnings that they sounded. One of the more annoying characteristics of activists such as Ehrlich and Lester Brown is the way in which these prophets of doom get out ahead of a parade that has already started. When things get better, they claim that it's only because people heeded their warnings, not because of longstanding trends and increased efficiencies. As a result, there is always the danger that governments may actually enact their policies, thereby stifling technological progress and economic growth—and making the world worse off. Then the doomsters would be able to say "I told you so." So good or bad, they get to claim that they were right all along.

What will Earth look like when Earth Day 60 rolls around in 2030? Here are my predictions: As the International Food Policy Research Institute projects, we will be able to feed the world's additional numbers and to provide them with a better diet. Because they are ultimately political in nature, poverty and malnutrition will not be eliminated, but economic growth will make many people in the developing world much better off. Technological improvements in agriculture will mean less soil erosion, better management of freshwater supplies, and higher productivity crops. Life expectancy in the developing world will likely increase from 65 years to 73 years, and probably more; in the First World, it will rise to more than 80 years. Metals and mineral prices will be even lower than they are today. The rate of deforestation in the developing world will continue to slow down and forest growth in the developed economies will increase.

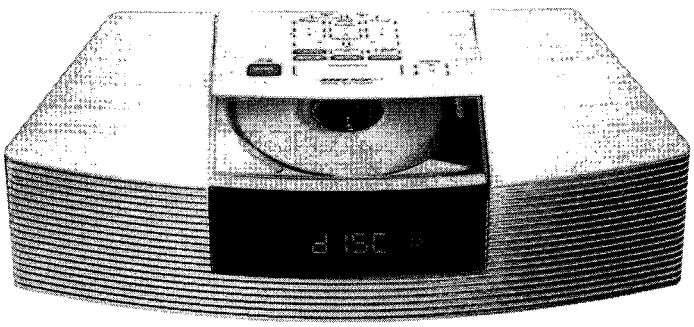
There's much to celebrate on the 30th anniversary of Earth Day. Indeed, one of the chief things to get happy about is that the doomsters were so wrong.

Meanwhile, as many developing countries become wealthier, they will start to pass through the environmental-transition thresholds for various pollutants, and their air and water quality will begin to improve. Certainly air and water quality in the United States, Europe, Japan, and other developed countries will be even better than it is today. Enormous progress will be made on the medical front, and diseases like AIDS and malaria may well be finally conquered. As for climate change, concern may be abating because the world's energy production mix is shifting toward natural gas and nuclear power. There is always the possibility that a technological breakthrough—say, cheap, efficient, nonpolluting fuel cells—could radically reshape the energy sector. In any case a richer world will be much better able to cope with any environmental problems that might crop up.

One final prediction, of which I'm most absolutely certain: There will be a disproportionately influential group of doomsters predicting that the future—and the present—never looked so bleak.

Science Correspondent Ronald Bailey (rbailey@reason.com) is editor of the recently published Earth Report 2000: Revisiting the True State of the Planet *(McGraw-Hill).*

THE GUARANTEE IS AS CLEAR AND UNDISTORTED AS THE SOUND.



THE BOSE® WAVE® RADIO/CD. We can describe to you how clear and natural the sound is. We can explain how the small size, convenience and simplicity add to the delight. But can you really appreciate it without experiencing it?

That's why we created our in-home trial and risk-free satisfaction guarantee. It's the best way we can think of to give you the truest experience possible – hearing the rich, lifelike, room-filling sound exactly where you'll use it.

When you do, we think you'll realize that no other system this size matches the performance. That's because no one but Bose has acoustic waveguide speaker technology. It's a patented breakthrough so revolutionary, it won the prestigious Inventor of the Year award – one of the many innovations that help make us the most respected name in sound.

CALL TODAY AND DISCOVER A WHOLE NEW WAY OF LISTENING TO MUSIC. *Knight-Ridder* Newspapers writes, "We were amazed by the warmth and 'oomph' of the sound." We think you'll agree. In fact, we think you'll find yourself enjoying music more – and enjoying it more frequently – appreciating notes and subtleties you never knew existed.

NO OTHER SYSTEM THIS SIZE DELIVERS OUR SOUND QUALITY. That's why we can offer you our no-risk satisfaction guarantee. You call us. We ship the Wave radio/CD or the Wave radio to your door. You listen. You decide. Then, if you can bear to part with it, return it anytime within 30 days for a full refund of your purchase price. We'll even arrange to have it picked up at our expense. It's that simple.

Call today to take advantage of our interest-free payment plan – and the clear and undistorted guarantee that lets you listen, and make up your own mind.

WITH THE BOSE SATISFACTION GUARANTEE YOU RISK NOTHING. CALL US TOLL FREE TO ORDER AND LISTEN IN YOUR OWN HOME. IF YOU CAN BEAR TO PART WITH IT, RETURN IT ANYTIME WITHIN 30 DAYS FOR A REFUND OF YOUR FULL PURCHASE PRICE. WE'LL EVEN ARRANGE TO HAVE IT PICKED UP. NO QUESTIONS. NO HASSLES.

SATISFACTION GUARANTEE

1-800-764-2073, ext. T4779

For more information on all our products:
www.bose.com/t4779

Please specify when ordering:
Wave radio/CD: ❑ Platinum White or ❑ Graphite Gray
Wave radio: ❑ Platinum White or ❑ Graphite Gray

NAME

ADDRESS

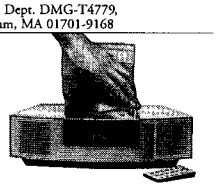
CITY STATE ZIP

DAY PHONE

EVENING PHONE

Mail to: Bose Corporation, Dept. DMG-T4779,
The Mountain, Framingham, MA 01701-9168

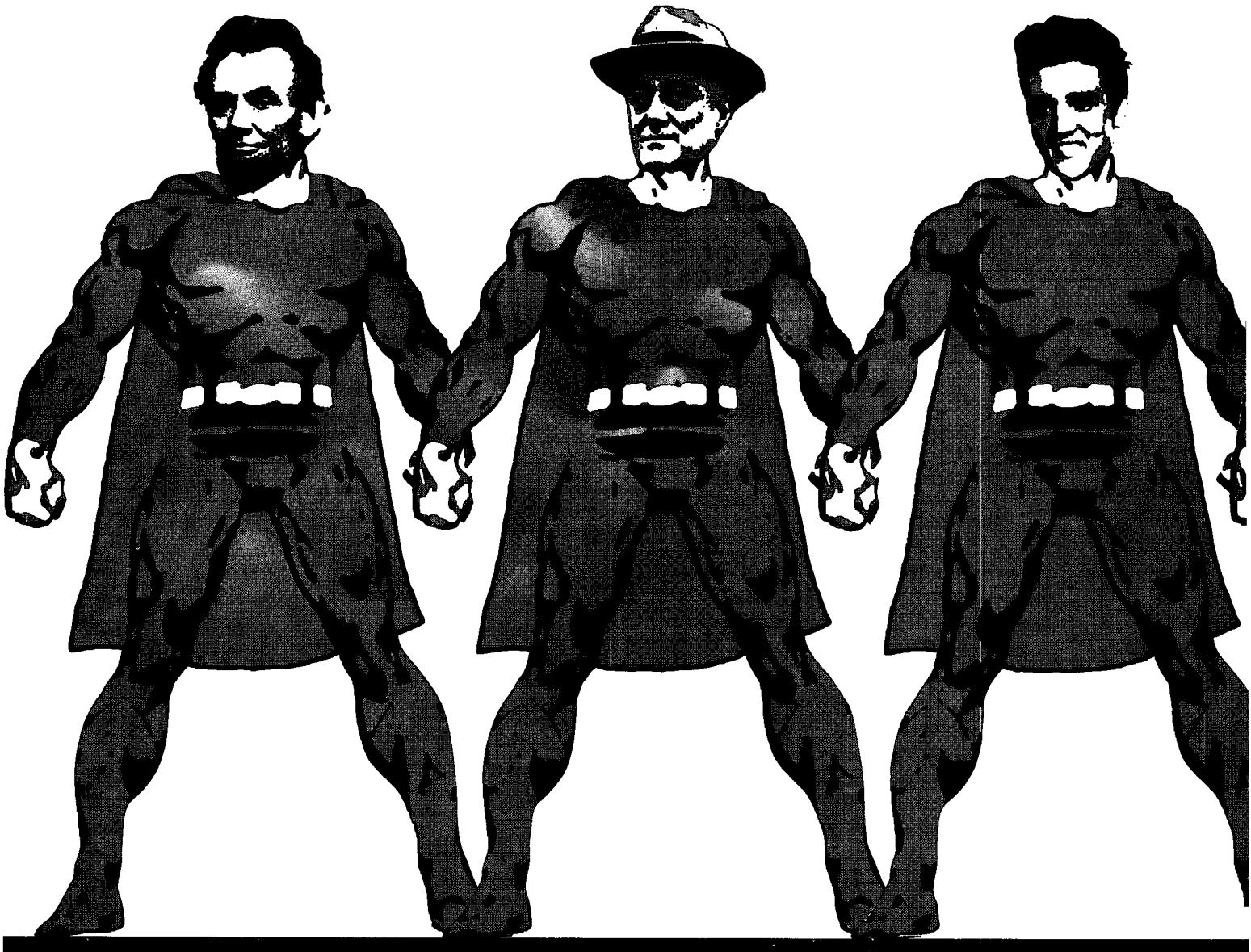
Wave Radio



Wave Radio/CD

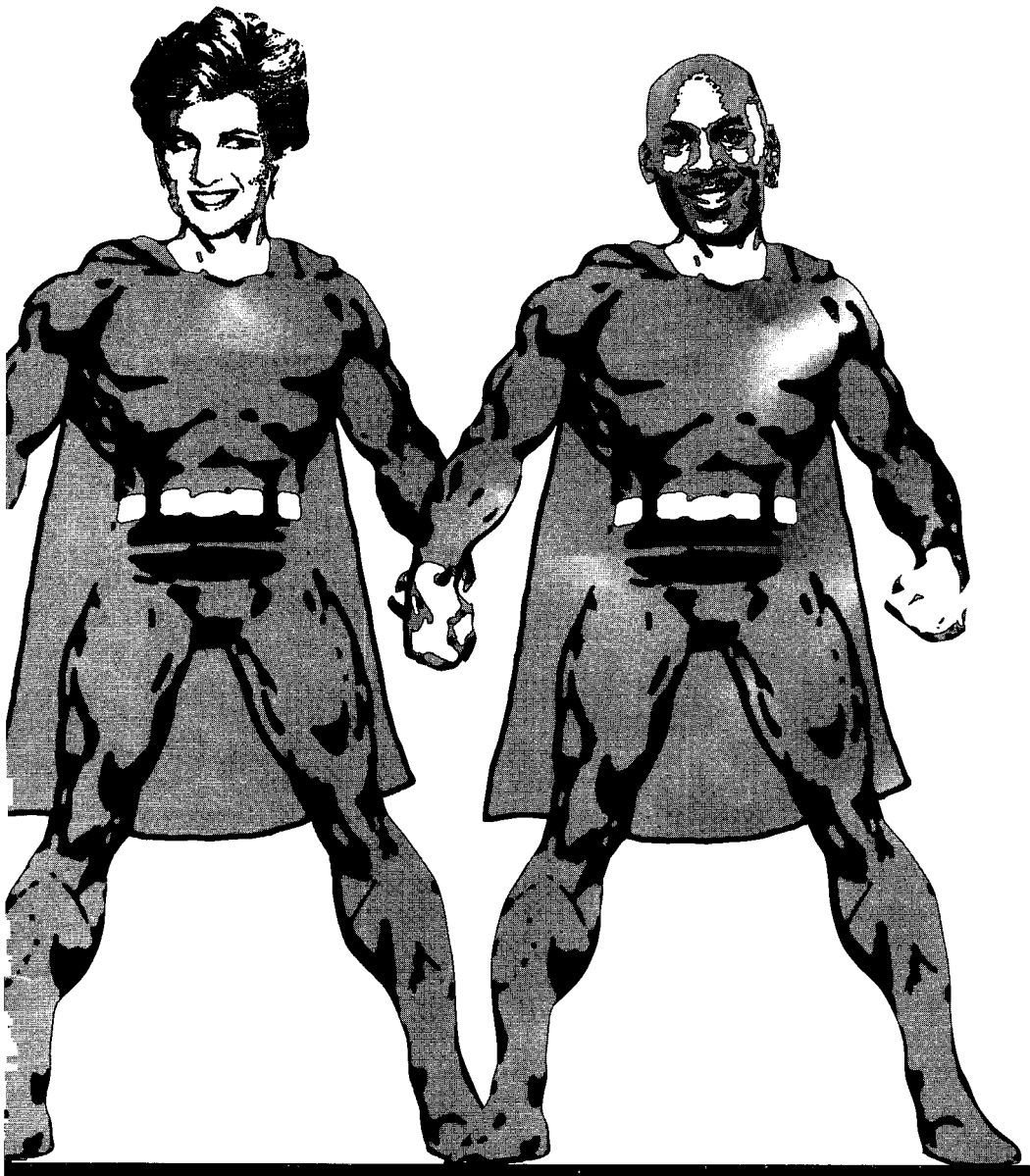
BOSE®
Better sound through research®

©2000 Bose Corporation. Covered by patent rights issued and/or pending. Installment payment plan and free return shipping offer not to be combined with any other offers. Installment payment plan available on credit card orders only and subject to change without notice. Quote: Jonathan Takiff, *Knight Ridder* Newspapers, 4/99.



THE NEW HEROES

What does it mean that the funeral of Princess Diana in 1997 attracted so much more media attention than did the funeral, the same week, of Mother Teresa? What significance should we give the appearance of such figures as Buddy Holly and Elvis Presley on recent U.S. postage stamps? Fame, it is often argued, used to reflect merit; now it reflects commercializing forces. The commercial generation of fame, according to many critics, leads



Why separating celebrity from merit is good for merit

By Tyler Cowen

AND ROLE MODELS

to a society weak in virtue. Are such critics right?

Daniel Boorstin, the former Librarian of Congress, argued in his 1962 book *The Image: A Guide to Pseudo-Events in America* that the concept of transient celebrity is replacing the concept of the true hero, who serves as a role model and exhibits moral leadership. Pondering what he perceived to be the lack of giants in modern society, Winston Churchill asked in 1932, "Can modern communities do without great men? Can they dispense with hero-worship?

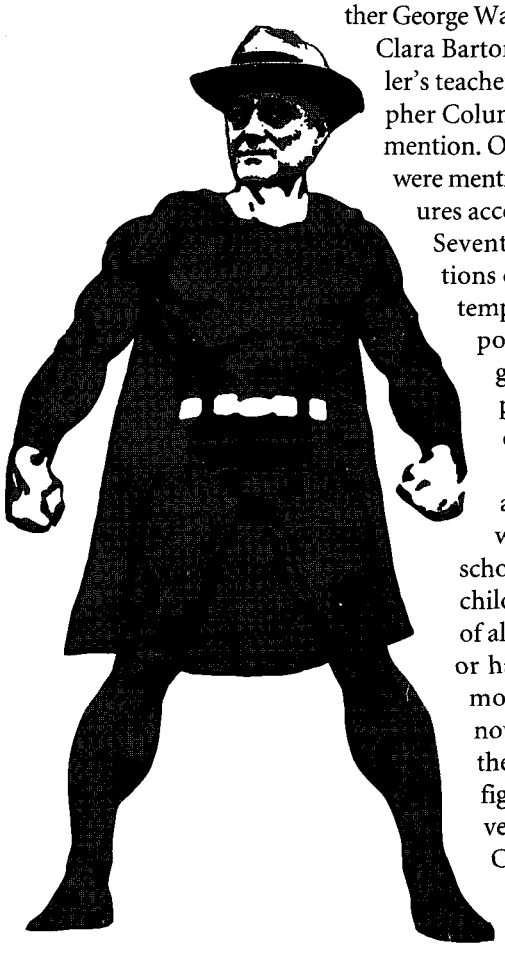
Can they provide a larger wisdom, a nobler sentiment, a more vigorous action, by collective processes, than were ever got from Titans? Can nations remain healthy...in a world whose brightest stars are film stars?"

If these worries are valid, then the separation of fame and merit is indeed problematic. We risk the danger that commercially successful heroes may invite dangerous forms of imitation by their fans, and fail to help their societies organize around noble ideals. Plutarch wrote nearly 20 centuries ago of great men as a kind of looking glass, in which we see how to "adjust and adorn" our own lives. The contemporary question is whether today's heroes provide a foundation for a desirable moral discourse.

The Changing Nature of Fame

Over time, entertainers and sports figures have displaced politicians, military leaders, and moral preachers as the most famous individuals in society, and in some cases, as the most admired.

An 1898 survey of 1,440 12- through 14-year-olds asked them the following question: "What person of whom you have ever heard or read would you most like to resemble?" Forty percent chose either George Washington or Abraham Lincoln. Clara Barton, Annie Sullivan (Helen Keller's teacher), Julius Caesar, and Christopher Columbus also received prominent mention. One bicycle racer and one boxer were mentioned, but otherwise sports figures accounted for few of the answers. Seventy-eight percent of the selections came from history, both contemporaneous and past, including politicians, moral leaders, and generals. No entertainers were picked (though 12 percent were characters from literature).



Another poll was conducted a half-century later, in 1948, with a comparable number of schoolchildren of similar age. The children were asked, "Which one of all these persons that you know or have read about do you want most to be like 10 years from now?" This time, only a third of the respondents chose historical figures; Franklin Delano Roosevelt topped the list for boys and Clara Barton topped the list for girls. Sports figures accounted for 23 percent, with baseball players Ted Williams and Babe Ruth heading that category. Entertainers accounted for 14 percent, with boys picking radio and movie heroes like Gene Autry and girls preferring movie figures such as Betty Grable. Characters from literature were completely absent. Religious figures fell from 5 percent in 1898 to less than 1 percent in 1948. Figures from comic strips, such as Joe Palooka, were selected much more often than Jesus Christ.

In 1986, *The World Almanac* listed the 10 figures most admired by American teenagers that year, all of whom (except Ronald Reagan, a former actor) were entertainers:

1. Bill Cosby
2. Sylvester Stallone
3. Eddie Murphy
4. Ronald Reagan
5. Molly Ringwald
6. Chuck Norris
7. Clint Eastwood
8. Rob Lowe
9. Arnold Schwarzenegger
10. Don Johnson

Postage stamps from the 19th century commemorate political and military leaders almost exclusively, especially George Washington. Recent U.S. postage stamps feature rock, blues, and jazz singers. Until the late 1960s, only two entertainers had made it onto U.S. postage stamps. The 1970s and 1980s combined brought a total of nine entertainers on stamps. During the first half of the 1990s, 32 entertainers appeared on stamps. The most famous such stamp featured Elvis Presley. After Elvis' death, his fans lobbied for a stamp to honor him, and bickered over whether it should feature a young, thin Elvis or an older, fat Elvis. The subsequent public vote attracted so much attention that the networks televised the press conference that announced the winning portrait.

At the beginning of this century, political biographies accounted for 46 percent of magazine biographies published in the United States, as measured by one extensive sample. By 1940 the figure had fallen to 25 percent. The market share of entertainment biographies picked up most of the slack, moving from 26 percent of the market in 1900 to 55 percent of the market in 1940. In the 1901–1914 period, 77 percent of all entertainment biographies covered "serious" high art. The figure had fallen to 38 percent by the 1920s, and by 1940–41, only 9 percent of the entertainment biographies addressed high art.

Commercial Morality

When commerce de-links fame from merit, merit

does not disappear from social discourse. We can *talk about merit without talking* about fame in the same breath. Although separating fame and merit may be perceived by some as negative, it can also be viewed quite differently. It can be seen as the liberation of merit from fame, and from dependence on the famous for moral instruction.

Even if the fame of entertainers corrupts the realm of moral discourse, moral discourse adjusts by relying less on fame. Audiences may respond to the charisma and wealth of Eddie Murphy and Madonna, but most people know that such performers are not the most virtuous individuals in society. Rather than looking to stars for moral inspiration, many turn elsewhere, to parents, relatives, or people renowned in realms where fame and merit are more closely linked than they are in popular culture.

In fact, moral discourse may operate more effectively when imperfect and blemished individuals are in the public eye. Athletes, entertainers, and characters in television shows provide more complex models than do many saints, and thus they may serve as more fruitful topics of discussion.

When the meritorious and the famous are different individuals, the social vision of virtue rests less upon the adulation of personalities, and more on the critical analysis of personality traits. Since fans do not expect the famous to be fully moral or meritorious, they can separate the good and bad qualities of celebrities more sharply and cleanly. Thus, fans could approve of Michael Jordan's quest for excellence in sports while disapproving of his excessive gambling.

The severance of fame and merit allows us to evaluate different aspects of an individual's behavior separately, rather than judging that person as uniformly good or bad. This more cautious kind of moral discourse may be more appropriate and more realistic than the uncritical elevation of moral and political leaders as heroes and heroines. Commercialized fame, by directing fame away from moral merit, frees ideas of virtue from the cult of personality. *Pace* Churchill, when it comes to working through complicated moral and ethical issues, the healthiest nations may well be those "whose brightest stars are film stars."

Heroes, by their very nature, serve as highly visible and sharply focused reflections of various qualities in their societies, including morality. To the extent that such heroes dominate moral discourse, morality will be excessively black and white, some individuals will be undeservedly idolized, and personalities will be conflated with moral qualities. Because commercialization shifts moral discourse out of the realm of fame, it actually may improve moral discussions.

Role models don't automatically induce either moral or immoral behavior. Many people have already decided to act a certain way, and they seek out whichever role models will validate that behavior. Or else they interpret and reinterpret the qualities of role models in ways that support their preexisting agendas. In this way as in others, fans are not guided by the famous, they use the famous for their own purposes.

The original nature of a given "role model" has less influence than does the transformation of that model by fans and others. The story of Cal Ripken Jr., a very durable baseball player, has entered the public consciousness as a tale of heroism, even if Ripken is not a true hero by any exacting moral standards. Thomas Jefferson has moved from being a virtuous Founding Father to a morally ambiguous slaveholder.

Celebrities and television figures can serve as useful subjects for moral discussion even if they are not fully virtuous, or even if the characters are not real. A television character, such as the eponymous heroine of the controversial show *Ellen*, may have been a focal point for public acceptance of lesbianism. The commercialization of her identity does not detract from this function; arguably, it enhances it by spreading information about the show, the sex life of her character, and the real-life lesbian identity of the actress who played the part. Many other changes in American social behavior, such as greater acceptance of premarital sex, have been promoted through situation comedies and their ability to spark broader social discussion. Fan discussions of morality exert their force whether the original topic was a saint or a *Seinfeld* character.

The coordinating images—television personas—need only be highly visible; they need not have done anything real. Daniel Boorstin has complained that "pseudo-events"—the manufactured products of mass media—have replaced real events, but for many purposes pseudo-events are just as good or even better.

The Taming of Fame

Fame and merit have never been tightly connected, no matter what era we examine, or whether and how we define merit. Kings and queens were the best-known people of their times, but hardly worth praising in many instances. Commercialized fame, while taking relative recognition away from moral leaders, also has taken renown away from tyrants and violent rulers.

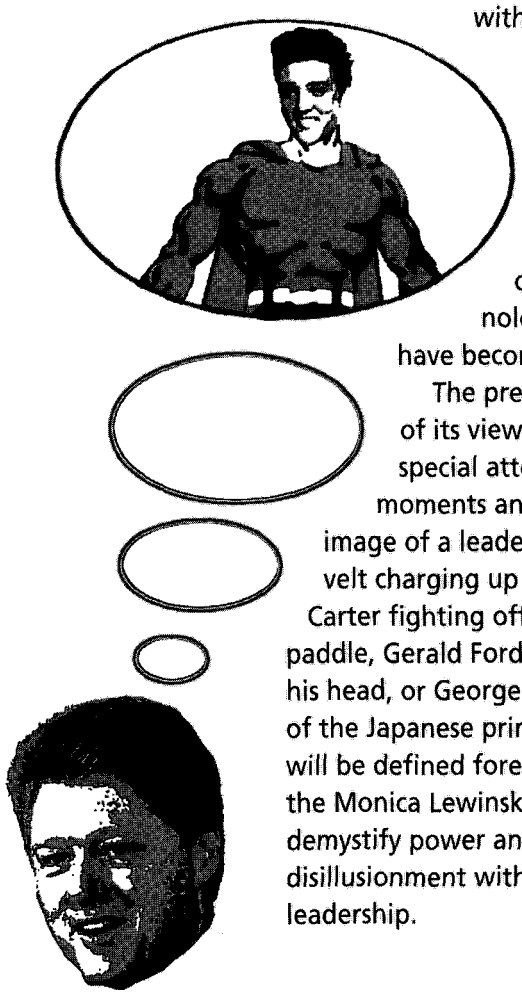
Many of the supposed "heroes" of the past were liars, frauds, and butchers. The association of fame

Contemporary stars are well-paid but impotent puppets. They serve their fans rather than making their fans serve them.

How Fame Tames Politics

Public morality, as expressed through the famous and their stature, does not and should not coincide with merit. Morality, like most evolved institutions, serves many functions and is pulled in many differing directions. The modern world uses public images and fame to control behavior, not to reflect merit.

Looser moral standards are part of the price we pay for constraining politicians through celebrity status and media scrutiny. Every move the president makes is scrutinized, photographed, reported, and analyzed on the evening news and in the newspapers—a far cry from the situation of the Hobbesian absolute sovereign. Today, virtually every known fact about Bill Clinton has been reported. We hear about his taste for Elvis Presley, his golf score, and his affair with Monica Lewinsky—in exquisite detail. The ability of presidents to orchestrate their own images has decreased as information sources have become more competitive and technologies of reproduction have become more acute.



The press, following the wishes of its viewers and readers, devotes special attention to embarrassing moments and gaffes. The modern image of a leader is not Theodore Roosevelt charging up a hill, but rather Jimmy Carter fighting off a rabbit with a canoe paddle, Gerald Ford stumbling and bumping his head, or George Bush vomiting in the lap of the Japanese prime minister. Bill Clinton will be defined forever by his handling of the Monica Lewinsky affair. These images demystify power and produce a culture of disillusionment with politics and moral leadership.

A celebrity politician is both a low-stature politician and a constrained and trapped politician. The monitoring and visibility associated with fame also discourage incumbent politicians from taking large risks. The fear of negative publicity forces politicians to track public opinion rather than implement their own visions. Politicians will take risks to win office in the first place, but they typically pursue safe courses of action once in power, in order to hold onto their position.

These conservative political decisions are appropriate for societies that are already on the right track. Citizens cannot discard the policies of leaders who choose risky, failed undertakings, but rather must live with the outcomes. If a president or prime minister makes a mistake, millions of lives and jobs may be adversely affected; in some cases the fate of countries or the entire world is at stake. Significant political risk-taking is most appropriate for societies in desperate straits (such as societies on the verge of losing wars), because they need to overcome otherwise fatal obstacles.

Note that unsuccessful risks pose fewer dangers in the arts. If Garth Brooks puts out a bad recording, the world is barely worse off, and it is even less worse off if a minor star fails to deliver a good product. The outcomes of failed projects can be discarded with few external social costs, while the good outcomes can be reproduced and distributed to wide audiences. This ability to pick and choose the successful projects raises the social benefits of artistic risk-taking. In the arts we can pick and choose from the very best of generated outcomes, but in politics we cannot. For this reason, protections against risky outcomes are especially important in the political sphere, even if the associated media scrutiny lowers the moral authority of leaders.

—Tyler Cowen

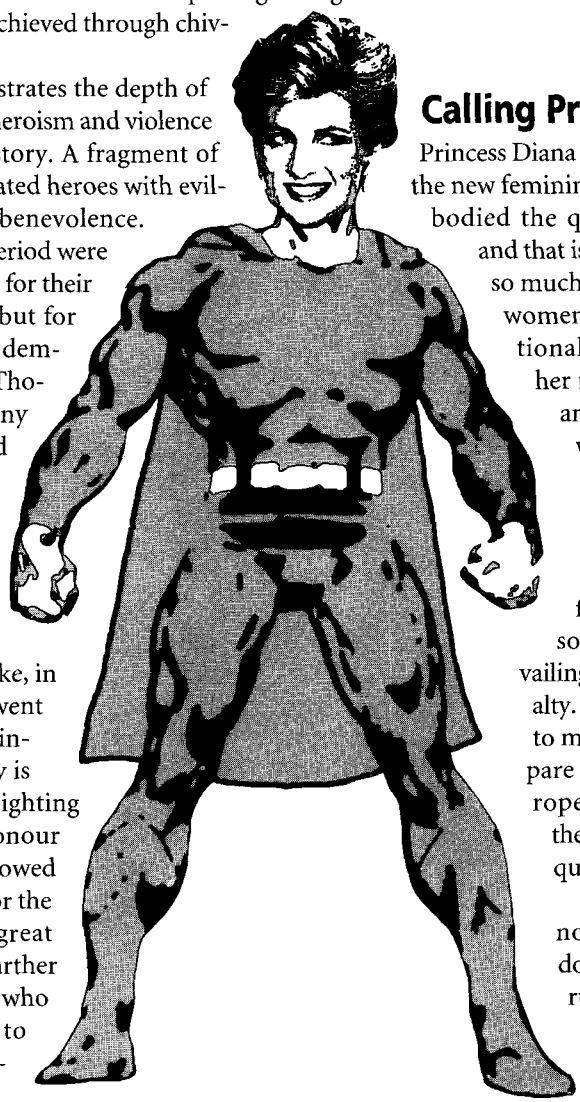
with entertainers, for all its flaws, departs from earlier concepts of heroic brutality and martial virtue. Most of today's famous people have had to persuade consumers to offer their allegiance and their dollars. Nowadays fame is attained through a high-stakes game of pursuit and seduction, rather than a heroic contest or a show of force in battle. The shift in fame to entertainers is a modern extension of the Enlightenment *doux commerce* thesis that the wealth of the market civilizes morals and manners and supports an ethic of bourgeois virtue.

Cervantes was the first writer to recognize the importance of commercializing fame and the new breed of hero in commercial society. His protagonist Don Quixote seeks to create a chivalrous image that he took from the old world of medieval fame, in which knowledge of great fighting deeds was spread by word of mouth. Cervantes portrayed this ideal of martial virtue as an ironic farce. Book 2 of *Don Quixote* showed that Don Quixote does in fact attain fame, but only by virtue of being the subject of an entertaining novel. Cervantes self-consciously presented the new world of fame achieved through commercial entertainment as displacing the older world of fame achieved through chivalry and heroism.

Greek mythology illustrates the depth of the connection between heroism and violence throughout Western history. A fragment of Menander's work associated heroes with evil-doing rather than with benevolence. Athletes of the classical period were elevated to cult status not for their sporting achievements, but for their "deeds of violence demonstrating their wrath." Thomas Hobbes, writing many centuries later, recognized that the classic heroes were honored for their "Rapes, Thefts, and other great, but unjust, or unclean acts," including "Adulteries... [and] Frauds." John Locke, in his book on education, went further: "All the Entertainment and talk of History is of nothing almost but Fighting and Killing: And the Honour and Renown, that is bestowed on Conquerours (who for the most part are but the great Butchers of Mankind) farther mislead growing Youth, who by this means come to think Slaughter the laudable Business of Mankind, and the most Heroick of Vertues."

Not surprisingly, early Christian writers were strongly opposed to fame-seeking, which they viewed as unholy. Saint Augustine wrote that the search for glory and praise at the hands of other men will lead to "open crimes." Many other Christian writers viewed fame-seeking as an impious attempt at self-aggrandizement and recommended Christian mercy as a substitute. Milton's *Paradise Lost* presents this view to a 17th-century English audience that had grown to expect glory-seeking and warfare as a virtuous norm.

The traditions of antiquity also illustrate the essentially male nature of concepts of the heroic. Heroic standards were defined largely by males, and martial virtue was exhibited primarily by men. Women (albeit imaginary ones) achieved mythological fame in their roles as goddesses, such as Aphrodite and Hera, or as mothers and wives of warriors, but they had a hard time winning fame for their independent, mortal achievements. Contemporary culture, in contrast, has erected a growing number of female icons.



Calling Princess Di

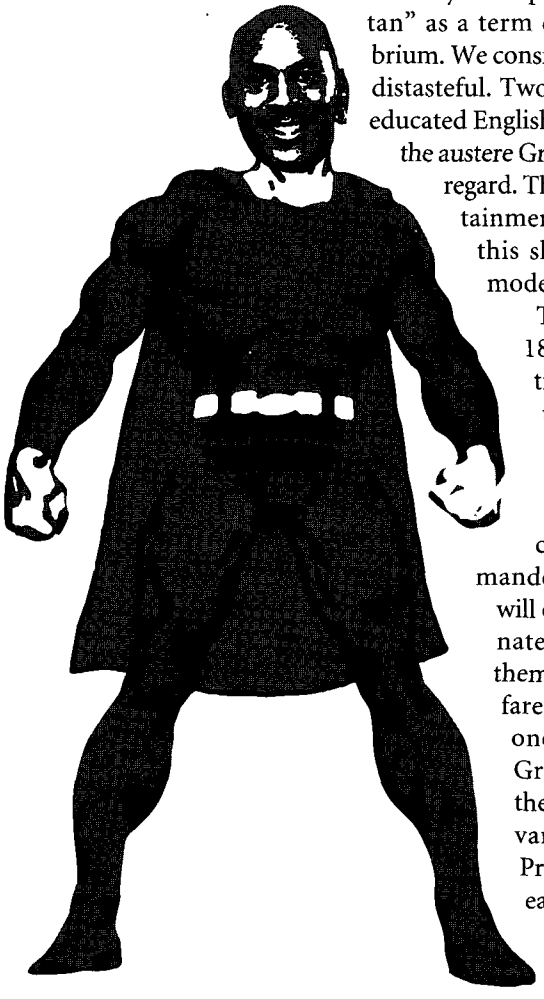
Princess Diana provided one example of the new feminine heroine ideal. She embodied the quality of vulnerability, and that is one reason she attracted so much interest, especially from women. Diana struck an emotional pose, spoke openly of her feelings and her failures, and admitted her problems with depression, bulimia, and her marriage. She did not hesitate to cry in public. Nor did she hide her own fascination with fame and popular culture, so different from the prevailing aloofness of British royalty. In her 20s, Diana wanted to meet John Travolta. Compare this to earlier young European rulers, who sought their place in history by conquering other nations.

The use of fame and renown to support a male-dominated vision of society runs consistently through the history of ideas. During the Renaissance

Nowadays fame is attained through a high-stakes game of pursuit and seduction, rather than a heroic contest or a show of force in battle.

and Enlightenment, critics of commercialization frequently objected to the "softness" and "effeminization" engendered by market society. Rousseau, the archenemy of modern civil society, feared that martial virtue would decline, and wanted to use shame and fame to recreate his ideal Spartan community. In *Letter to D'Alembert*, he called for the creation of a government-run Court of Honor to be charged with approving or disapproving of individual actions whenever a suit was brought. The court would not wield coercive powers but instead would issue judgments of condemnation or praise.

This court was to be especially concerned with the behavior of "all the estates in which one carries a sword, from prince to private soldier." In the same work, Rousseau criticized the portraits of virtue issued by the entertainment-driven French theater. He complained bitterly about the heroes of the playwright Racine, who were "given over to gallantry, softness, love, to everything which can effeminate man and mitigate his taste for his real duties." Unfortunately for Rousseau, the "whole French theatre breathes only tenderness; it is the great virtue to which all the others are sacrificed, or, at least, the one which is made dearest to the spectators."



Today most people use the word "Spartan" as a term of disapproval or opprobrium. We consider a Spartan lifestyle to be distasteful. Two hundred years ago, most educated Englishmen and Frenchmen held the austere Greek city-state Sparta in high regard. The modern culture of entertainment has in large part driven this shift in attitudes and role models.

Thomas Carlyle, writing in 1840, summarized the martial concept of the hero and the male nature of early concepts of heroism: "We come now to the last form of Heroism, that which we call Kingship. The Commander over Men; he to whose will our wills are to be subordinated, and loyally surrender themselves, and find their welfare in doing so, may be reckoned the most important of Great Men. He is practically the summary for us of *all* the various figures of Heroism; Priest, Teacher, whatsoever of earthly or of spiritual dignity we can fancy to reside in a man, embodies itself here, to *command* over us, to furnish us with constant practical teaching, to tell us for the day and hour what we are to *do*."

An anecdote from the Second World War illustrates how far the United States and the West have moved from the ideals of Carlyle. During lulls in the shooting, American GIs needled Japanese soldiers by shouting "Fuck Hirohito!" The Japanese, rather than yelling back "Fuck Roosevelt!"—the logical riposte—instead screamed "Fuck Babe Ruth!" The Japanese knew that Ruth, not some leader, personified the American ideal.

Ironically, the taming of fame also entails a growth in the number of violent images. In a peaceful world, many fans seek cathartic experiences, and fame- and profit-seeking performers respond by meeting this demand. Clint Eastwood, Bruce Lee, Arnold Schwarzenegger, and many other contemporary and recent heroes represent the modern sublimation, transformation, and simulation of violent impulses. The same institutions that deglorify actual martial deeds—the entertainment businesses—end up glorifying *images* of martial deeds. In network television programming for children, each broadcast hour averages 22 simulations of acts of violence.

Modern commercial society therefore cannot fulfill the Enlightenment promise of civilizing manners. While commercial society defangs fame and weakens the ethic of martial virtue, it provides new ways of experiencing violent images. Popular culture often portrays violence as fun. The same processes that lessen the status of real violent acts make simulated violence appear more glamorous and more attractive.

Yet commercialization also induces individuals to aim their glory-seeking impulses toward peaceful ends. Rather than centralizing the rewards of fame in an absolutist state, or repressing fame-seeking impulses, commercialization decentralizes fame into market-based niches. In highly commercial societies, fame-seekers can achieve renown in science, sports, entertainment, and many other fields. These famous individuals cannot start wars, sway elections, or exercise coercive control over the lives of other people.

Contemporary stars are well-paid but impotent puppets. But these market-based heroes are truly meritorious in one essential way: They serve their fans rather than making their fans serve them.

Tyler Cowen (tcowen@gmu.edu) is professor of economics at George Mason University. This article is adapted from his new book, What Price Fame? *(Harvard University Press).* *Copyright ©2000 by the President and Fellows of Harvard College. Used by permission. All rights reserved.*

PAID ADVERTISEMENT

Happy Valentine's Day . . . For Whom?

By Valentine's Day, America will have more than 2 million of its citizens behind bars.

- America, with less than 5% of the world population, has a quarter of the world's prisoners.
- There are six times as many Americans behind bars as are imprisoned in the 12 countries that make up the entire European Union, even though those countries have 100 million more citizens than the US.
- Our jails and prisons have literally become the 51st state, with a greater combined population than Alaska, North Dakota and South Dakota.
- Two-thirds of the inmates in America's prisons and jails — over 1.2 million prisoners — are locked up for non-violent offenses. Since 1980, the number of non-violent prisoners has tripled and the number of drug prisoners has increased seven fold.

Source: Justice Policy Institute, "The Punishing Decade: Prison and Jail Estimates at the Millennium," December 8, 1999.

Is the Drug War Turning the United States Into a Police State?

For more information visit: http://www.csdp.org.
Common Sense for Drug Policy, Kevin B. Zeese, President
703-354-9050, 703-354-5695 (fax), info@csdp.org

ELECTRON

GOIN' DOWN T

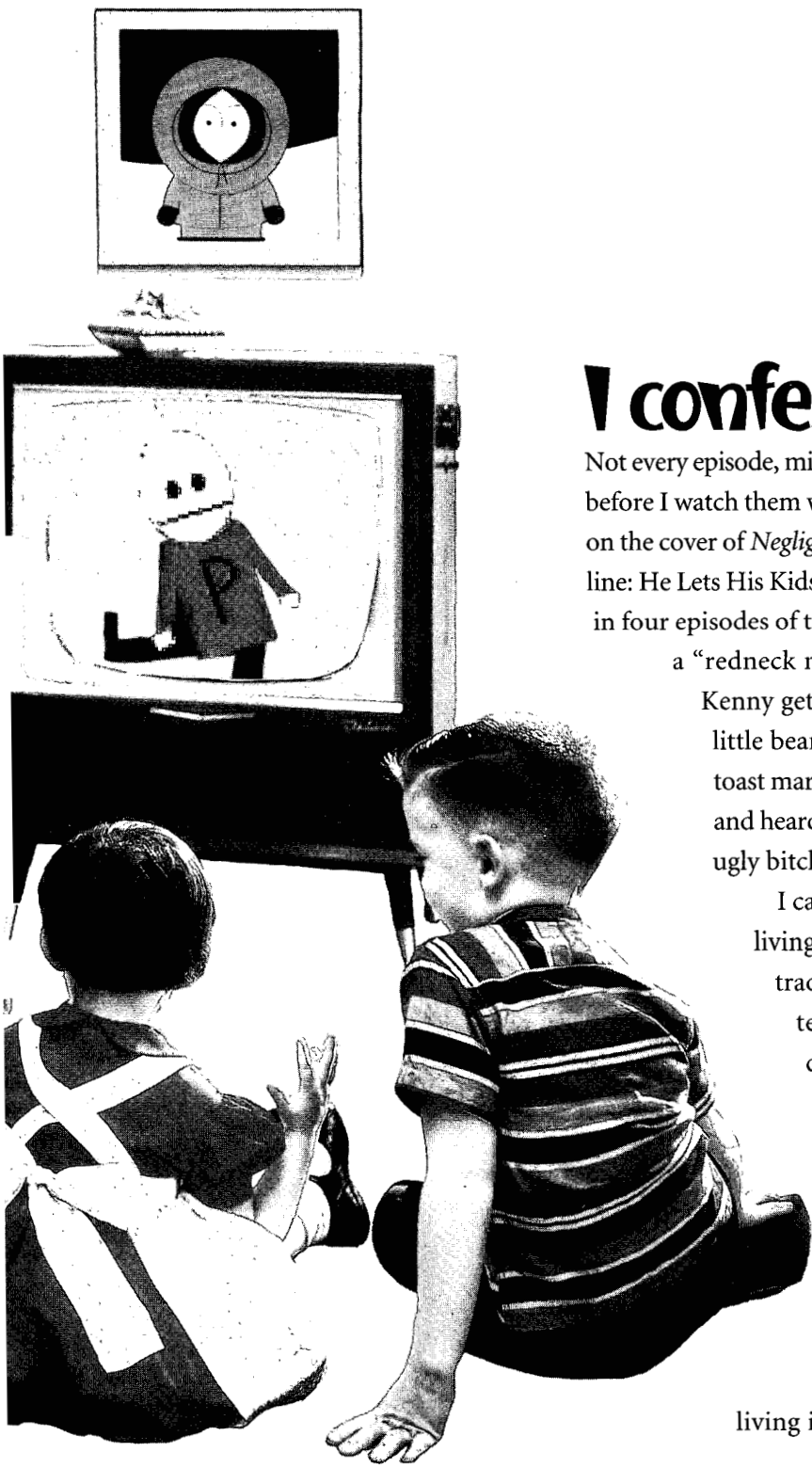
How kids can learn from "vile trash."

By Barry S. Fagin

SUPERSTOCK

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

) SOUTH PARK



I confess: I let my kids watch *South Park.* Not every episode, mind you—I prescreen the shows on video before I watch them with the family. But when my face lands on the cover of *Negligent Father* magazine, that'll be the headline: He Lets His Kids Watch *South Park.* My kids have taken in four episodes of this foul-mouthed cartoon about life in a "redneck mountain town." They've seen young Kenny get eaten by rats. They've watched a cute little bear get blown to smithereens, seen a boy toast marshmallows over a burning Vietnam Vet, and heard another call his school bus driver a "fat ugly bitch."

I can't help it: I am what I am. I'm tired of living a closeted life. I expose my kids to the traditional fixtures of American family entertainment, but they also know the cultural icons of *South Park.* So they're familiar both with venerable kids' show host Mister Rogers and with *South Park*'s Mr. Hat. Some of the best times we've had as a family have been sitting around the dinner table, repeating bits from *South Park* and laughing hysterically.

It's not easy for me to admit this, living in Colorado Springs, Colorado. We're

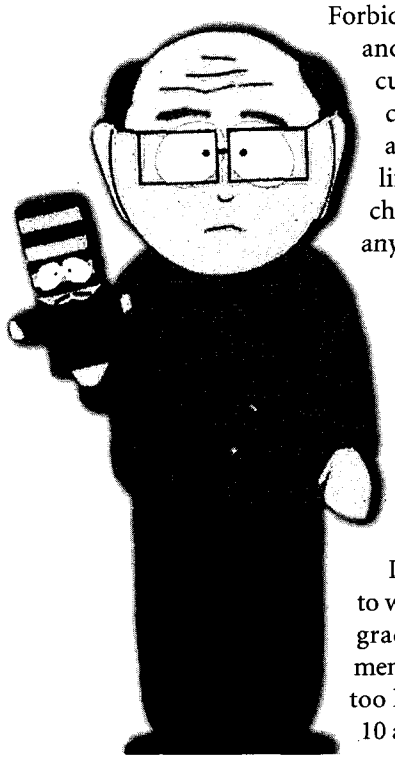
only a few miles down the road from Focus on the Family, an evangelical Christian ministry. Focus thinks American popular culture is a moral sewer and *South Park* is its lead exhibit. Writing in *Plugged In,* the group's youth culture magazine, critic Bob Smithouser calls the show "twisted," "extremely mean-spirited," and "deplorable." He concludes, "*South Park*'s own tongue-in-cheek disclaimer may be the most accurate warning of all: 'The following program...should not be viewed by anyone.' We heartily agree."

The Christian Family Network—a group whose "mission" is to "advance Christ-centered values, restore morality, and protect life for the individual, family, and community"—goes even further. It has prepared a *South Park Education/Action Guide* to "help make people aware of *South Park* and its potential affect [sic] upon our youth." "Working together," the authors write, "we can help protect our youth from vile trash like *South Park.*"

That's what they think. Some of us feel otherwise.

Good parenting is an ongoing process. You're constantly exposing your children to new ideas, developing their moral character, and helping them realize their potential, all the while preparing them for a world that doesn't necessarily share your values. If you expose them to unfiltered adult issues before they've accumulated enough life experience and emotional maturity to deal with them, it may indeed be harmful.

But complete isolation from pop culture is just as bad. Forbidden fruit is always more tempting, and isolation can keep you from discussing important issues with your children. That, in turn, impairs their ability to make judgments later in life. How can they make important choices as adults if they haven't had any practice?



When *South Park* first aired, back in 1997, it caused quite a stir out here and in the rest of the country. During the first season, one Georgia principal banned *South Park* clothes, while the founder of a group called Action for Children's Television denounced it as "dangerous to the democracy."

It turned out that lots of people like to watch cute but crudely drawn third-graders curse and spout social commentary far beyond their years. It wasn't too long before my two kids, currently 10 and 12, were asking what all the excitement was about and whether they could watch the show. We don't watch TV, but I told them I'd preview a couple of episodes first. If I found some I thought they were ready for, I'd bring them home on video and we'd watch them together. That seemed to satisfy them.

The first time I watched the show, I couldn't remember the last time I'd laughed so hard. The dialogue was outrageously funny; the writers' barbs were accurate and timely. I wound up watching almost all the episodes, finally settling on four I thought our family would enjoy. The kids loved them, and we've never looked back.

So am I a bad parent? Am I, to quote the Christian Family Network, showing my children "a steady stream of violence...that poisons as surely as if they swallowed it"? I don't think so. I feel pretty good about my kids, and I feel pretty good about *South Park.*

If American popular culture is a moral

Contrary to popular belief, *South Park* is loaded with moral content, whether or not the show's writers planned it that way. It's hard to list all the valuable lessons it has taught my kids, but here are some of my favorites:

It's good to make fun of celebrities. Most episodes contain at least one dig at a famous person—or, sometimes, at someone who just wants to be famous. In "Volcano," TV stalwart Patrick Duffy shows up as a leg on a legendary monster. This prompted howls of laughter from my kids, though I had to explain to them what *Step by Step* was. (It's his latest series.) In another episode, Bob "Gilligan" Denver makes a fool of himself on a talk show; in another, zaftig Christian Children's Fund pitchwoman Sally Struthers gets caught stuffing herself on food meant for famine relief. Most of the shows with "guest" celebrities drive home the point that actors are just people who are paid to pretend.

It's good to make fun of Barbra Streisand. I guess this falls under making fun of celebrities, but La Streisand is in a class by herself. The episode "Mecha Streisand" spoofs Japanese monster movies. Cartman, one of the 8-year-old boys on whom the show centers, finds a mystical artifact that will make Barbra Streisand ruler of the world. She eventually comes to South Park and gets the artifact from him through cruel and unusual punishment: She chains him up and starts singing. A frenzied Japanese incantation turns Barbra into a mechanical Godzilla, who battles both movie critic Leonard Maltin (as a giant robot) and Sidney Poitier (as a fire-breathing turtle). Only when The Cure's lead singer, Robert Smith, transforms himself into Mothra is evil finally vanquished. (Now that I think of it, my kids are learning a lot about pop culture too.)

COURTESY COMEDY CENTRAL

It's good to make fun of people who believe stupid things. And not just Barbra Streisand. In "The Mexican Staring Frog of Southern Sri Lanka," the kids hoodwink the hosts of a public access cable show with a hilariously primitive videotape that supposedly shows a mythical creature. The adults eventually come to their senses, and I get to tell my kids what's wrong with believing that something is true just because you want it to be.

It's good to make fun of hypocrisy. In "Conjoined Fetus Lady," we're introduced to the school nurse: She has "Conjoined Twin Myslexia" and was born with a stillborn fetus attached to her head. The script suggests that the handicapped don't want to be singled out for special attention; they just want to lead productive, fulfilled lives. Some "normal" characters talk about wanting to help, but they single the nurse out anyway with a hilariously awful "Conjoined Twin Myslexia Week." It's bad, I tell my kids, to say one thing and do something else.

Things that happen in cartoons aren't real. My kids figured this out long ago, but it's a point worth driving home. Kenny gets killed in almost every episode of *South Park*, only to reappear the next week with no explanation. If there is any more dramatic way to teach kids that TV is fantasy, I don't know it.

Make no mistake, much of what my evangelical neighbors say about *South Park* is accurate. Every show contains a lot of profanity and graphic sexual humor. I won't let my kids watch most of the episodes, because they deal with issues they aren't ready for yet. Very young children shouldn't watch the show, because they don't understand context; repeating what they hear could get them in trouble. In fact, I doubt that kids of any age should watch it without their parents sitting there with them. Of course, that's true for virtually everything on TV.

But cultural critics who think shows like *South Park* are malevolent don't really understand modern life. They seem to think Americans are completely passive consumers, helplessly force-fed a mass media diet that they can't control. Well, they may lead their lives that way, but my family doesn't. In my experience, parents can wield much more influence over what their children see now than they could when I was a kid.

When I was growing up in the '60s, our house had three networks, two TVs, one time when we could watch a television show, and no real choice. We had to watch what was on, when it was on. Today, my house has more than 60 TV channels, every one of which competes with the Internet and the video store down the street. In our house, TV loses so often that we pay our cable bill only so we can get the Weather Channel. (And if we parents do want to watch something on TV, and it doesn't fit our schedules, we can tape it.)

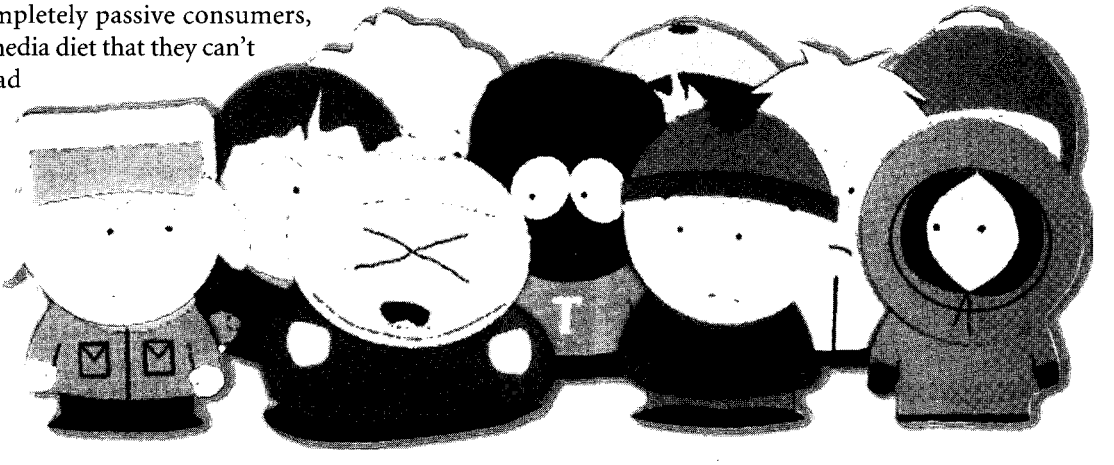
Having more choices wakes you up as a parent: It makes you realize how much you can do for your children, and it helps you shape their environment to be more in tune with your values. It may be counterintuitive, but for an alert parent more options means more control.

ewer, it's one I'm proud to swim in.

Let me stress this again: *South Park* is no ordinary cartoon. Don't watch it with your kids unless you're prepared to talk about homosexuality, profanity, and fart jokes. Don't show your kids any *South Park* episode unless you've taken the time to watch the whole thing first, to make sure it's right for your family. You're a parent. That's your job.

But if *South Park* isn't *Sesame Street*, it isn't poison either. Given the opportunity, parents can find moral education and artistic value in surprising places—even in a video called "Conjoined Fetus Lady." When our family sits down to dinner and 10-year-old Erica starts riffing on a *South Park* episode, we share the kind of connection that cultural conservatives claim is all too scarce in American family life. When her big brother Max chimes in with his Cartman imitation and we all start laughing uproariously, that's a moment of closeness I treasure. And it's a moment made possible by the delicious anarchy of American popular culture. If this is a moral sewer, it's one I'm proud to swim in.

Barry Fagin (fagin@rmi.net) is a professor of computer science at the U.S. Air Force Academy (his opinions are his alone) and a senior fellow in technology policy at the Independence Institute. He and his wife are co-founders of Families Against Internet Censorship (www.rmi.net/~fagin/faic).



COURTESY COMEDY CENTRAL

Virginia Postrel

Laboratory Rats

What should state governments do about the "new economy"?

Back in 1988, when Democrats and faddish business pundits believed in a "Massachusetts Miracle" created by state economic policy, "reinventing government" guru David Osborne published a book called *Laboratories of Democracy.* It argued that activist governors were creating a new sort of economic role for government—not "negative," like the Reaganite emphasis on lowering taxes and cutting regulation, but not the musty old bureaucracy of New Deal days either.

This "emerging paradigm" was cool. It was up-to-date, it was pro-business, and it was proactive. Its emphasis on decentralization, information, innovation, and "tripartite business-labor-government boards" was just the thing for the "microelectronic age." Its governor-heroes were Michael Dukakis, Chuck Robb, Richard Thornburgh, Bruce Babbitt, Mario Cuomo (!), and, of course, Bill Clinton.

Although its rhetoric foreshadowed much about the current administration, nobody talks about *Laboratories of Democracy* these days. How much long-term praise can you expect for a book that made an economic hero out of Mike Dukakis?

More important, the "competitiveness" argument to which *Laboratories of Democracy* contributed now looks wrong-headed. In the late 1980s, the political intelligentsia was convinced that America's economy desperately needed more government help: more subsidies for important industries, more protection from international competitors, more government guidance. The U.S. economy was too unruly, we were told, too unlike the well-managed Japanese industrial state.

Osborne argued that pragmatic state officials were doing the right thing, while the ideological feds ignored reality: "While the states have concentrated on *microeconomic* concerns, such as new business formation, regional capital markets, and labor-management relations, the federal government has remained preoccupied with *macroeconomic* issues: monetary policy, fiscal policy, and tax policy....In an economy under siege by foreign competition, macroeconomic adjustments are simply not enough."

Twelve years later, the country is enjoying a stunningly good economy, and the only government policies to which it owes credit are the ones Osborne scoffed at: reasonably sound macroeconomic policies and a hands-off approach to "competitiveness" in the late 1980s and early '90s, which allowed restructuring to improve old industries and entrepreneurship to create new ones. As that noted right-winger Bill Bradley explained in a recent TV interview, "The thing that caused [the economic boom] is not government...but really the dynamism of our private sector." The job of government, he said, is to "get the big things right in terms of a prudent fiscal policy, open markets, the free flow of capital, the lowest possible tax rate for the greatest number of Americans, and investment in education and research."

Of course, Bradley didn't push that line very hard in his failed presidential campaign, and it still has too few adherents within government. Activist governors are still trying to attract press kudos by injecting themselves in the middle of the "new economy." In late February, the National Governors' Association met in Washington, contemplated state government's role in a post-industrial world, and released a big report called "Governance in the New Economy."

The report starts with a governors' daydream that updates Osborne. In an imagined future, federal economic development funds come pouring into state government, which must "design and implement a plan that will achieve measurable results." Then comes the vague consultant babble: "State and local leaders will be able to comprehensively and strategically plan for revitalized local economies."

Those plans are straight out of 1988, imagining no functioning capital markets, no variety among state economies, and no unexpected economic paths: An economic development "grant will provide funds to retool outdated manufacturing facilities to accommodate new, high-technology business as well as to train workers to prepare for the new high-technology jobs." We know the one best future, and it is "high-tech." Every wide place in the road will be the next Silicon Valley. All we need is that comprehen-

HENRY PAYNE

sively and strategically planned push.

The governors' subsidize-and-plan approach captured the imagination of reporters covering the conference. An Associated Press story cited Illinois Gov. George Ryan's plans for $1.9 billion in spending on education, "government services," and venture capital, California Gov. Gray Davis' proposal to give state universities another $75 million for research on new technologies, and New Jersey Gov. Christie Todd Whitman's proposed $165 million for technology initiatives. "You can't just let it happen," said Whitman. "You've got to be driving it." So much for the dynamism of the private sector.

As for getting the "big things right" at the state level, the governors' report has good points, bad points, and mainly a lot of confusion. It says that states should "reshape the economic environment to facilitate business expansion and eliminate market distortions caused by outmoded taxes and regulations," even as it implies *new* market distortions in favor of information industries. It says, "It will no longer be practical or advisable to have a system replete with exceptions to general rules" but also repeatedly supports "flexible" government—both worthy-sounding ideas, but not necessarily compatible ones.

All this business babble fails to distinguish between two distinct roles of state governments: that of rule maker and that of service provider. As rule makers, states need to provide simplicity and certainty, so that private actors can make and execute their own plans without tripping over unpredictable and potentially arbitrary state regulations. "Flexible" rules sound good, because they take into account special circumstances, but in practice they tend to be unpredictable and subject to political manipulation.

The goal instead should be "simple rules for a complex world," rather than complex regulations designed to make the world simple. Keeping the rules simple and predictable, but not so restrictive that they prohibit private innovation, can be difficult for state governments. It means living with surprises and diversity, and it definitely implies tolerating results that may not fit a comprehensively and strategically planned vision for local economies. Who planned for Starbucks? For nail salons? And, let's be honest, who planned for dot.coms and the warehouses and shipping infrastructure that serve them?

Simple rules don't give favorable tax treatment to some businesses and punish others. They don't prescribe detailed categories for land use—retail stores, but no restaurants, "beverage houses" but no health clubs or storefront churches—as many localities do. They don't declare that the one best future must be a row of antique stores, or an enclave of computer companies, regardless of what entrepreneurs and their customers might prefer.

Simple rules for a complex world are all the more important in the Internet age, when states face competition that challenges the legitimacy of their regulations. Consumers can now leap borders at almost no cost, and businesses are eager to serve them. The governors' report admits that companies usually prefer uniform standards to a patchwork of different regulations, which may imply a federal standard, preempting state prerogatives. But the report does not fully acknowledge that consumers themselves may deliberately bypass the laws supposedly designed for their protection.

"The diminishment of borders makes the cost and capacity to protect consumers more problematic," states the report. "A criminal or fraudulent business in one state can victimize consumers in a different state. The sale of prescription drugs, pornography to minors, and cigarettes and alcohol over the Internet illustrates how information technology is breeding new federal-state regulatory issues and tensions that challenge existing regulatory regimes."

Of course, the Internet consumers who buy Viagra or Chardonnay across borders do not feel like victims of criminal businesses. They think their states' "protective" laws stink. And their actions challenge the laws' legitimacy. They force states' regulatory monopolies to face competition.

Competition is what "laboratories of democracy" are about. In a federal system, smaller units of government can try different approaches. That allows both diversity—people in one state may not have the same values or preferences as people in another—and discovery. States can experiment, and good ideas can spread.

This process is most valuable when states are functioning as service providers. Contrary to Osborne's industrial-policy emphasis, the real state-level innovations of the past decade have been in such areas as welfare reform—in services, not regulations. States have also learned how to tap the competitive discovery process within the private marketplace, by contracting out functions and, in some rare cases, simply giving citizens vouchers with which to purchase services.

But both state roles, as rule maker and as service provider, also raise a fundamental question: Is this a proper task for government at all? The governors never ask, "What business are we in?" What are we supposed to be delivering? Liberty, order, and justice? Or any good, service, or restriction that sounds attractive and has an effective lobby?

This is the question that determined "pragmatists" like Osborne consistently dodge. As leftist political writer Harold Meyerson correctly observed of the 1996 Reform Party convention, Perot-style technocrats imagine that there are no substantive disagreements between the followers of socialist Michael Harrington and the followers of libertarian Friedrich Hayek. It's simply a matter of getting the "best experts" in a room, stamping out corruption, and finding efficient techniques. The governors' report takes a similar attitude.

The inevitable result is a mandate to do just about anything, and to focus more on the states' powers and prerogatives than on the freedoms of the citizens they serve. The report asserts, for instance, that state and federal policy makers must not let their turf battles deter them from "jointly shouldering the responsibility to shape the future and frame the questions that must be answered."

That line may be federalist boilerplate. But it says a lot about what the nation's governors really think about innovation, decentralization, and all the other characteristics of the "new economy." They're great, as long as they're under government control. We wouldn't want the future to take a surprising shape.

Editor-at-Large Virginia Postrel (vpostrel@reason.com) is the author of The Future and Its Enemies: The Growing Conflict Over Creativity, Enterprise, and Progress, *recently published in paperback by Touchstone.*

Rendering Unto CESA?

Clinton's contradictory encryption policy

By Mike Godwin

It was September 28, 1999. Some officials from the Clinton administration were briefing the Congressional Internet Caucus, and Rep. Curt Weldon (R-Penn.) was getting visibly angry.

The officials were outlining the White House's new policy on encryption, the practice of coding and decoding electronic messages using computer programs. Since the Bush years, encryption software has been classified as a munition, meaning that companies need a special export license to ship products overseas, just as if they were shipping guns or warheads. Encryption has long been a contentious issue, pitting privacy advocates against the national security apparatus; now, with e-commerce expanding and requiring stronger protections against intruders, even more parties have been weighing in on the issue. The administration's new approach seemed to make it much easier to export encryption products, and Weldon, a long-time supporter of strict encryption controls, couldn't understand why.

How could you be implementing this policy? he asked the panel. On countless occasions, this administration has sent high-powered people to the Hill, including Attorney General Janet Reno and FBI Director Louis Freeh, warning us that if encryption is freely exported, it will create serious domestic and international security problems and hamstring our law enforcement and intelligence operations. And now you're telling us you've changed your minds?

Did they change their minds? At the same briefing, the White House reaffirmed its support for the Cyberspace Electronic Security Act (CESA), a bill rooted in the government's traditional distrust of private encryption. Along with some less controversial provisions, the bill said the government need not disclose, in the course of a criminal proceeding, how it recovered the decrypted information that it's using against the defendant. The theory is that if the government reveals its decryption secrets—which may involve classified techniques, industry trade secrets, or software flaws that government researchers have discovered—criminals will be forewarned and will be able to thwart decryption in future investigations. But civil libertarians point out that this will make it harder for defendants to authenticate the state's evidence. It may even pose constitutional problems: How can you confront your accuser in court if you don't know the basis of his charges?

CHIP BOK

The administration's crypto schizophrenia didn't end in September. Earlier this year, the White House announced a new set of crypto-export rules that, while complex enough to require a lawyer to parse, seem to take the lid off the export of encryption almost entirely. Most encryption tools will be cleared for export after a one-time review by the Commerce Department. There will still be restrictions on products that aren't widely available in domestic retail outlets, exports to "terrorist" pariah states will still be banned, and there will still be some restrictions on programs' source codes. But the new policy is unquestionably a significant deregulation.

And yet: At the same time, the Department of Justice is vigorously litigating for export restrictions in *Bernstein v. U.S.*, a case involving a college professor who claims the First Amendment protects his right to distribute encryption-related source code. Between that and CESA, observers are beginning to wonder whether the United States has a consistent encryption policy at all.

For most of the post–World War II era, the government didn't need a general policy on encryption. Because of the massive computing power necessary to generate cryptographic codes, such activity was the province of intelligence agencies and almost no one else. Over the past couple of decades or so, as the personal computer revolution placed more (and cheaper) processing power within reach of virtually anyone, that changed. In response to a world of decentralized computing, U.S. law enforcement responded with a single, panicky policy: Stop the spread of cryptography at all costs.

The new stance was driven by some pioneering work in the late 1970s by American cryptographers—work that, for once, was not performed by people in the pay of the intelligence agencies, and therefore

was not "born classified." This academic revolution—the development of a public science of cryptography and a resulting colloquy about it—was accompanied by a similar, equally dramatic revolution on the microcomputer front.

The result: Ordinary people with desk top PCs could encrypt their messages or data to a degree that only governments could have achieved not long before. For intelligence and police agencies, this ushered in a new era, one in which merely intercepting a terrorist's or criminal's (or dissident's) communications was no guarantee that the government could figure out what the communicator was saying. On top of that, telephone companies were relying more and more on computers to run their networks and phone services, raising the specter of a world in which every call might be encrypted. Effective wiretaps might become a thing of the past.

U.S. law enforcement responded to the computer revolution with a single, panicky policy: Stop the spread of cryptography at all costs.

The Bush administration responded to these developments in two ways. First, there was the "Digital Telephony" initiative, which required phone companies to structure their networks and services so as to facilitate wiretapping. It eventually passed into law in 1994 as the Communications Assistance to Law Enforcement Act. Second, there was an effort to regulate the use and sale of encryption tools, domestically and abroad. When Bill Clinton took over the White House in 1993, he adopted Bush's strategy without any significant changes.

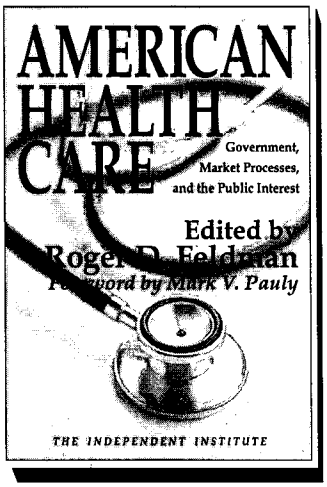
While the digital telephony guidelines went ahead with nary a hitch, the encryption initiative proved harder to implement. In spring 1993, the Clinton administration introduced the "Clipper Chip" program, in hopes that this would steer the growing market for computer security in the direction the feds wanted. The Clipper Chip was a hardware device developed under the supervision of the National Security Agency. Each chip had a "backdoor" key that would be held in escrow by a trusted government agency. Thus, while the device would let computer or telephone users encrypt their communications, it would also let the government recover the content of the coded messages.

The government hoped that by requiring all future federal purchases of phone and computer systems to be Clipper Chip–compliant (and enforcing the same standard for all outside government contractors), the private sector would have to follow suit. Instead, the chip ignited a firestorm of criticism from privacy activists, high-tech industries, and others. By 1996, the administration had abandoned the Clipper Chip as such, but it continued to lobby both at home and abroad for software-based "key escrow" encryption standards. Again, the goal was to make it easier for law enforcement and intelligence agencies to recover encrypted data when they believed they needed to. This was marginally successful outside the United States—33 countries, including Britain, Russia, Canada, France, and Germany, adopted the "Wassenaar Arrangement on Export Controls for Conventional Arms and Dual-Use Goods and Technologies." But in the domestic software market, few accepted the push for key escrow standards (now relabeled "key recovery").

Civil libertarians didn't just argue against the Clipper Chip per se; they also complained that the United States was pushing privacy-undermining standards precisely in countries that lacked the United State's strong legal protections for privacy. Faced with both industry pressure and public criticism to kill the Clipper Chip, the administration scotched the plan and moved most export control authority from the Department of State to the Department of Commerce. However, most of the encryption controls themselves remained largely unchanged.

Pressure for liberalization continued to

Bureaucracy vs. Health?



American Health Care examines why harmful consequences follow when government directs health care through planning and regulating medical practices, qualifications, goods, services, and prices. The book demonstrates, for example, how hospital-rate regulation raises hospital prices, that "no-fault" medical malpractice increases faulty medicine, and that FDA regulation is a major cause for the escalating cost and delays for new drugs. The book further traces the special-interest genesis of Medicare and examines the consumer advantages of medical savings accounts.

American Health Care shows how and why only markets can provide high-quality, innovative, low-cost, and readily available health-care services.

"An excellent book." —PAUL J. FELDSTEIN, Prof. of Economics, U. of California, Irvine
"Excellent and fascinating book." —ROBERT B. HELMS, American Enterprise Institute
"This is a must-read book." —C. EUGENE STEUERLE, Senior Fellow, Urban Institute

11 Tables • 11 Appendices • Index • 429 Pages
$24.95 Paper, $39.95 Cloth (Calif. residents: add sales tax)
Shipping: add $3/book (U.S.), $9/book (foreign)

The INDEPENDENT INSTITUTE

800-927-8733
Fax: 510-568-6040
http://www.independent.org

The Independent Institute, Dept. 7R
100 Swan Way, Oakland, CA 94621-1428

increase; even people within the administration were now pushing for change. Several factors were responsible, according to Dorothy Denning, a computer science professor at Georgetown who's been a strong defender of the government's wiretapping and cryptography policies throughout the 1990s. On the export front, Denning says, the administration had begun to recognize "the futility of trying to force the whole market into a Clipper kind of model." Meanwhile, as law enforcement "started dealing with [more encryption-related] cases, they were learning how to handle them." The police were still panicked by encryption, but they were also beginning to relax a little.

As a result, on the last day of 1998, the administration announced that it would further liberalize its export restrictions. The new rules flatly legalized the export of encryption products using 56-bit keys. (The strength of encryption products is generally taken to be a function of key length. The previous standard had been 40-bit keys.) It also allowed for the export of stronger encryption products in industry sectors with a special need for data security—the banking industry, the health and medicine sectors, certain online merchants, and foreign subsidiaries of U.S. companies.

Outside the administration, critics charged the government with not going far enough—it had talked a good game about liberalization, they argued, but had failed to deliver. Rep. Bob Goodlatte (R-Va.) began gathering support for the Security and Freedom through Encryption Act (SAFE), a bill that would remove restrictions on the export of encryption technology while imposing a greater criminal sanction on those who used encryption to commit crimes. When first introduced, it stalled. When Goodlatte reintroduced it, he had much greater success, garnering about 200 cosponsors, and passing the bill out of five separate committees before it was halted once again. In the current Congress, SAFE has even more support—it has once again passed through five committees (as well as several subcommittees), and has 258 representatives, more than half the House, cosponsoring it.

The government's export policy was faring no better in the courts. Dan Bernstein, a professor at the University of Illinois at Chicago, wanted to post the source code for an encryption-related algorithm on the World Wide Web, and had asked the government whether he would need a license. (Under present law, to publish something on the Web is effectively to export it.) The feds replied that his source code qualified as a munition, so he couldn't do it. In August 1997, a federal district court in San Francisco ruled in Bernstein's favor, finding that this restriction looked a great deal like prior restraint of publication, which is prohibited by the First Amendment. On appeal, the trial court's ruling was affirmed, albeit on slightly narrower grounds; and while the DOJ has continued to litigate the case, encryption-policy mavens inside the government know that the feds were not necessarily going to prevail. The courts will hear further arguments later this year.

Facing challenges in both Congress and the courts, the administration knew it had to take action if it was going to regain control of the issue. In the words of Jerry Berman, director of the pro-privacy Center for Democracy and Technology, "The government has realized that delay is no longer a policy."

Is there a consistent encryption policy framework? The current muddle, says one observer, "is as coherent as government policy gets."

So by late 1999, America's once-monolithic encryption policy—stop the spread at all costs!—had been reduced to fragmented and perhaps self-contradictory rubble. Perhaps the biggest reason for the Clinton administration's latest liberalization is the heat they've been feeling from the American computer industry. As Vice President Al Gore has hit the campaign trail in earnest, he's been working to strengthen his support among the leaders of high-tech industries. To the extent that such restrictions have prevented these businesses from developing domestic products with encryption features, software companies have been at a disadvantage in the global marketplace. They've made their dissatisfaction known.

What's more, as Georgetown's Denning has noted, the government has simply had more time to adjust to the spread of encryption tools, further easing its once-vivid panic. That point is seconded by Stewart Baker, former general counsel of the National Security Agency, who adds a twist: The original export-control regime has largely served its purpose of limiting the spread of encryption. Absent those controls, he argues, computer and software manufacturers would have almost certainly incorporated encryption tools into the operating system of every mass-market computer. That may still happen, he continues, but right now encryption is far from ubiquitous. This gives the intelligence community some breathing space to adapt.

And the police? Berman notes that "the FBI has been strangely silent," and policy watchers believe there is still serious debate within the administration about the wisdom of the new liberalization. CESA, apparently, is meant to mollify those in Congress and in the executive branch who remain concerned about encryption's alleged threat to law enforcement. The Department of Justice, of course, is still engaged in a full-court press in the Bernstein case.

So: *Is* there a consistent encryption policy framework now? To Baker, the current muddle, for all its inconsistencies, "is as coherent as government policy gets." Meanwhile, Berman is cautiously optimistic that we're seeing the beginning of the end of encryption controls. Congress seems prepared to pass SAFE, he notes, if the administration fails to fully liberalize the export of encryption products.

But, he warns, "one terrorist incident involving encryption could change the landscape." ◆

Mike Godwin (mnemonic@well.com) is the author of Cyber Rights: Defending Free Speech in the Digital Age *(Times Books, 1998).*

Fields of Glory

The absurdist anti-politics of W.C. Fields

By Paul A. Cantor

Like many Americans, I'm having trouble getting excited about this year's presidential race. Somehow the candidates don't measure up to my standards of political greatness. Confronted with this group of diminutive talents, I think back nostalgically to earlier days of American politics, when giants strode the earth. Take 1940, for example—the last time an authentic Great Man ran for president of the United States. No, I don't mean Franklin Delano Roosevelt, and not Wendell Wilkie or Norman Thomas either, but the one candidate in the race who had the right attitude toward the government: W.C. Fields.

Few people today are aware that a great comedian took a fling at presidential politics and, in anticipation of today's campaign hucksters, even got a book out of the process: *Fields for President*, published by Dodd, Mead in 1940.

Fields built his campaign around a winning slogan—"A chickadee in every pot"—and made candor his chief concern in addressing the American people. "When, on next November fifth, I am elected chief executive of this fair land, amidst thunderous cheering and shouting and throwing of babies out the window, I shall, my fellow citizens, offer no such empty panaceas as a New Deal, or an Old Deal, or even a Re-Deal," he promised. "No, my friends, the reliable old False Shuffle was good enough for my father and it's good enough for me." Fields cut through the usual campaign rhetoric and got right to the heart of how to elect someone to the White House: "The major responsibility of a President is to squeeze the last possible cent out of the taxpayer."

Fields' obsession with the IRS threatened to turn him into a one-issue candidate. He kept harping on the dreaded moment when IRS payments come due, explaining, "That is the day when all the citizens of our fair land may practice their inalienable rights of sending a fat slice of their yearly increments to Washington; in return, our Congressmen will forward packages of radish seed or intimate candid-camera shots of themselves weeding their farms or kissing their grandchildren."

Fields' antipathy to tax authorities dated back to the days when he toured the world as a celebrated juggler. In 1913, he complained about being stopped by a policeman in Prague: "I was informed that I would have to pay a tax of five cents for coming home at that hour. (It appears they tax everyone who remains out after nine o'clock.) I asked the policeman what would happen if I didn't come home at all. He said I wouldn't have to pay in that case. And, ashamed as I am to tell it, I must admit that I strolled away and didn't come back to my rooms for two weeks—and then I left without paying half the taxes I owed the city. See what I have on my conscience."

Over the years, Fields was to become more adept at tax evasion, and with good cause. He was especially incensed when FDR proposed capping actors' annual incomes at $25,000. Fields became famous for his ongoing battles with the IRS over his aggressive deduction strategy on his tax returns. He is rumored to have claimed $25,000 spent on milk for entertaining the press; one year he supposedly tried to deduct his liquor bill as a legitimate business expense. After all, he did have a public image to maintain.

But the tax policy of the federal government was not the only target of Fields' ire and satire. Though one hesitates to attribute to him a consistent political philosophy, he did end up serving as a spokesman for freedom in several areas of American life. What's more, he showcased his defense of such values on the silver screen. We're used to thinking of 1930s Hollywood as a bastion of leftist propaganda. Certainly Charlie Chaplin, for all his comic genius, offered the unedifying spectacle of a man criticizing capitalism all the way to the bank. But in a Hollywood that was all too eager to jump on the Roosevelt bandwagon and sycophantically cheer the New Deal, Fields was the great contrarian.

Indeed, he had the audacity to make fun of the sacred cow of the New Deal—Roosevelt's labor policy, specifically the new power granted to labor unions by the 1935 National Labor Relations Act, popularly known as the Wagner Act. In Fields' 1939 film *You Can't Cheat an Honest Man*, he plays the spirited con man Larson E. Whipsnade, a circus manager who always manages to stay one step ahead of local officials trying to shut down his operation.

Whipsnade's life as a small businessman is made even more complicated by a labor thug who barges into his office with the ominous words: "You don't want no trouble with the unions, do you?"—a line that had more resonance for the Hollywood of Fields' days than most filmmakers would have cared to admit in public. When the union goon says, "Now you take the Wagner Act," Fields' character replies, "*You* take them. We had them last summer—the worst acrobats I ever saw."

Just imagine: a joke at the expense of the Wagner Act in 1939 Hollywood—the artistic community that one year later was to give us John Ford's film of Steinbeck's *The Grapes of Wrath*—a smarmy and mawkish tribute to the downtrodden workers of America and the New Deal camps that were supposed to teach them to rebuild their lives, recapture their dignity, and brush their teeth regularly.

The income tax and the New Deal were bad enough. But for Fields, the central symbol of everything that was wrong with federal government policy was the Noble Experiment, Prohibition. A lifetime devotee of potent potables, Fields had no sympathy for the U.S. government's attempt to impose a temperance policy on its citizens. Throughout Prohibition, he revelled in making fun of the idiocy of the anti-alcohol policy. One of his funniest

shorts, *The Fatal Glass of Beer* (1933), was based on a Broadway stage routine he introduced in the 1920s. The short viciously parodies the kind of 19th-century pro-temperance drama that swept the United States and that helped seduce the nation into embracing Prohibition.

As with Fields' animus against the IRS, his hatred of Prohibition had a personal basis, but a more general philosophy of liberty emerges in his comedy as a whole. The great enemy in Fields' films is the busybody, the person who in the time-honored American puritan tradition tries to tell you how to live your life. It may be your boss, your wife, your mother-in-law, the snoopy neighbor, a temperance preacher, a policeman, or an agent of the federal government. But in each case, someone tells you what is good for you and it never turns out to be what you yourself want to do—whether it is drinking, smoking, or simply going to the wrestling matches in the afternoon. Fields evidently was struck by how much time and effort some people devote to interfering in other people's lives for no reason beyond the pleasure of exercising power over them.

Perhaps the best glimpse of Fields' vision of how overregulated our lives have become can be caught in his short film *The Golf Specialist* (1930). According to a wanted poster, the film's "hero," Effingham Bellwether, stands accused of a multitude of transgressions:

> BIGAMY.
> PASSING AS THE PRINCE OF WALES.
> EATING SPAGHETTI IN PUBLIC.
> USING HARD WORDS IN A SPEAKEASY.
> TRUMPING PARTNER'S ACE.
> SPITTING IN THE GULF STREAM.
> JUMPING BOARD BILL IN 17 LUNATIC ASYLUMS.
> FAILING TO PAY INSTALLMENTS ON A STRAITJACKET.
> POSSESSING A SKUNK.
> REVEALING THE FACTS OF LIFE TO AN INDIAN.

With his genius for the absurd, Fields exaggerated the bizarre lengths to which society will go to regulate human conduct, but if he were alive today he might find that life has outrun art. With contemporary environmental, animal rights, and cultural sensitivity concerns, I would guess that all of Bellwether's activities are now in fact illegal in one state or another.

Fields himself sometimes ran afoul of the law in ways that can only make us honor him as an early martyr to political correctness. In 1928 he was hauled into court in New York on charges of cruelty to a canary. The local Humane Society had accused him of mistreating the bird in one of his dentist sketches on Broadway and being responsible for its death. Fields was acquitted on the grounds that the canary had actually been killed when the Humane Society officers tried to have it photographed as evidence and the smoke from the flashbulbs asphyxiated it. This story may be apocryphal—Simon Louvish's wonderful 1997 biography of Fields, *Man on the Flying Trapeze*, suggests that the affair may have originated as a publicity stunt—but in any case it offers an apt parable of how regulation can backfire.

Killing canaries was no doubt incidental to Fields' achievements as a comedian, but in one respect his conflict with an intrusive society went straight to the heart of his art. He found himself constantly at odds with the Hollywood censors. Fields' humor was often off-color and his sight gags were occasionally mildly obscene, though by today's standards his bawdiness seems almost tame. What strikes us now is the incredible pettiness of the censors Fields had to deal with. In 1939 he got into trouble over a line in the script for his film with Mae West, *My Little Chickadee*: "I know what I'll do, I'll go to India and become a missionary. I know there's good money in it, too." As Louvish documents, the line was challenged by Joseph Breen, an official with the motion picture censorship board, because the now infamous Hays Production Code ruled out anything "suggestive of an unfavorable, or derogatory, or comedy, reflection on the gentlemen of the cloth."

Hoping to salvage his script in foreign markets, Fields wrote directly to Breen in a desperate effort to save the line: "Will this also have to be deleted from the European version or does that not come under your jurisdiction? I've got to get a laugh out of this picture somewhere even if it's down in India." Fields' humor was evidently lost on Breen, who became even more picky when dealing with Fields' 1941 movie *Never Give a Sucker an Even Break*. Breen was determined not to let Fields get away with anything this time and his memo to the studio is quite explicit and peremptory: "Any and all dialogue and showing of bananas and pineapples is unacceptable."

In a heroic gesture on behalf of denture-wearers everywhere, Breen put his censorious foot down: "The business of the man taking out his false teeth strikes us as a piece of business which will give offense to mixed audiences"—a sentence so preposterous it sounds like something Fields himself might have written. Indeed, faced with the ultimate busybody, he could only respond by making censorship itself the butt of his comedy in *Never Give a Sucker an Even Break*, with the famous line: "This scene was supposed to be in a saloon, but the censor cut it out."

Fields' vision might best be described as absurdist anarchism or anarchic absurdism. He ridiculed all figures of authority mercilessly, revealing them as petty, pompous, and silly, and exposing their efforts to govern our lives as meddlesome, misguided, and inept. He celebrated the spirit of individualism and enterprise, even when the entrepreneurs took eccentric or morally questionable forms, like the gadget inventor, the carny barker, or the patent medicine salesman. As a champion of free speech and an opponent of the federal income tax, Big Labor, puritanical experiments like Prohibition, and intrusive regulation in general, Fields ought to be a hero for our time.

Alas, I can find no evidence of his actually getting any votes in the 1940 election. Yet his record shows that he understood American liberty better than any of the men—FDR, Wilkie, and Thomas—he was running against. As one contemplates the political scene today, one can only wish that we had a satirist with Fields' wit and courage to give our politicians what they deserve. To paraphrase Wordsworth on Milton, "Fields, thou shouldst be living at this hour." Or, more to the point: "W.C. Fields: Now more than ever." ◆

Paul Cantor (pac2j@virginia.edu) is professor of English at the University of Virginia. A collection of his essays on popular culture will be published next year under the title Gilligan Unbound *(Rowman & Littlefield).*

Walter Olson

Access Excess

The Americans with Disabilities Act goes online.

As we filed out of a Capitol Hill hearing room on February 9, Web accessibility expert Judy Brewer stopped me and said she was sure I wouldn't want to spread misconceptions about our subject. I'd just warned members of the House Judiciary Committee that requiring Web publishers to make their sites "accessible" to blind, deaf, and other handicapped users under the Americans with Disabilities Act was a nearly perfect way to stifle creative freedom and slam the brakes on the Internet's expansion. That sort of talk misrepresented the aims of the Web accessibility community, Brewer advised me. It was particularly irresponsible for me to suggest that if Web site owners suddenly decided to take seriously the prospect of being legally liable for content not accessible to impaired users, they might pull down millions of existing Web pages. I should be aware, Brewer sternly told me, that the accessibility community did *not* want existing pages to be *torn down.* It just expected them to be *improved.*

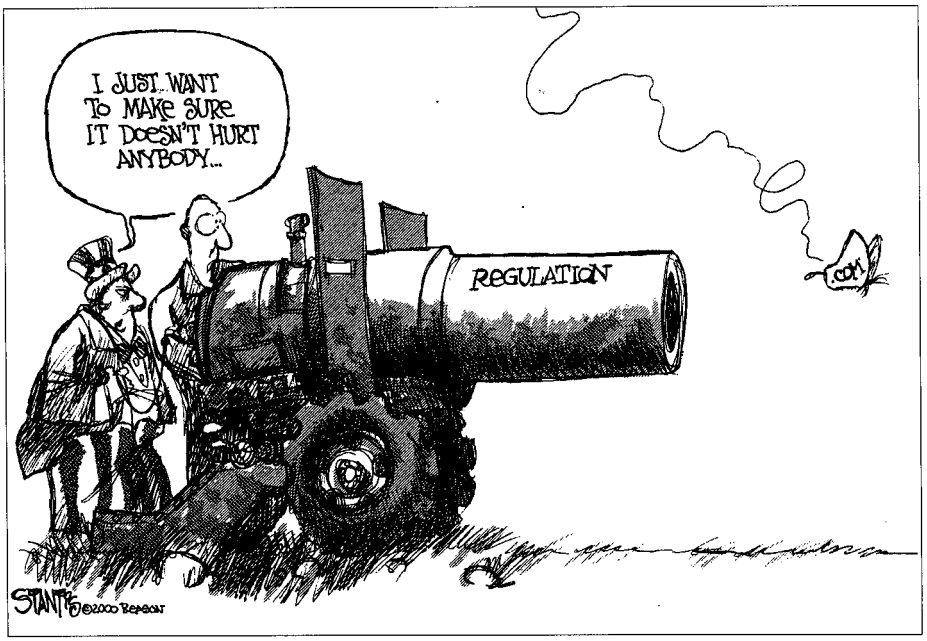
So was I guilty of "fear-mongering," alarmism, or worse, as disabled activists later charged in an online discussion? As readers of this space know, I've written a lot about the ADA's often surprising effects in areas such as employment and schooling. And on a personal level, I put out a Web site, Overlawyered.com, for which I do the HTML coding and other techie stuff myself, so I constantly run into the sorts of design issues that might trigger liability under an expansive reading of the law. Has this led me to overreact to a distant and rather unlikely threat? Read on, and decide for yourself.

The British national anthem has been described as a series of curt demands on Jehovah, but it has nothing on the list of demands placed on Web developers by the "Web Content Accessibility Guidelines," published by the private but quasi-official W3 Consortium's Web Accessibility Initiative (which Brewer directs). "Don't rely on color alone" to convey information. Don't use navigation methods that require a mouse; some users have motor impairments. "Until user agents allow users to freeze moving content, avoid movement in pages." Same with blinking or, worse yet, flickering text (which may cause seizures in persons with photosensitive epilepsy). Don't use tables for layout unless you're really trying to render tabular data, and watch out even then (text readers for the blind have trouble with tables). Don't use block quotations as a shortcut when all you're trying to do is indent. (For the full text of the guidelines, see www.w3.org/TR/WAI-WEBCONTENT.)

That's just a sampling. Other sins include "poor color contrast," "lack of alternative text for imagemap hot-spots...lack of alternative information for users who cannot access frames or scripts." Don't use auto-redirect or auto-refresh, or cause links to open in a new window. "Use style sheets to control layout and presentation"—and if you haven't gotten around to learning style sheets or you use older page authoring software that doesn't provide for them, that's *your* problem. Don't use audio clips on your site unless you caption them for the deaf, or video clips unless you attach descriptions of what's going on for the blind.

The guidelines, Brewer said in her House testimony, represent "a consensus...among leaders in Web industry, user representatives, and accessibility researchers." If so, it's all the more curious that scarcely anyone on the Web actually lives up to them. According to the tech-news service CNet, 98 percent of current Web sites are considered inaccessible to the disabled; indeed, an August 1999 survey found that 65 percent of 200 sites *geared to disability issues* weren't accessible (www.whitehouse.gov isn't, either).

As an aspirational and advisory matter—as distinct from something I might be forced to do by law—I actually appreciate the W3 guidelines, which have helped improve my own coding style. But I was startled when Brewer described the guidelines to the House panel as "generally inexpensive and easy to implement." Sean Lindsay, editor of *Disability Times,* is more on the mark when he writes that for commercial Web sites, "compliance might



SCOTT STANTIS

mean a total overhaul of their design and publishing process."

Consider, for example, the implications of a phrase frequently repeated in the Web access literature: "at least one mode." It's a mistake, say advocates, to see their recommendations as barring the creative use of graphics, audio, color, or mouse navigation. Thus, an advisory panel report on accessibility for federal Web sites last summer found such staples of current Web design as Javascript and pull-down menus to be acceptable so long as sites also provided "at least one mode that does not require fine motor control or simultaneous actions." Images? No problem, so long as you put in "alternative text" describing their content. Color to convey information—say, red lettering for losses and black for profits on a financial table—is OK so long as you also provide a second way of conveying the information. Ditto for at least one mode that does not involve use of touchscreens; "at least one mode that does not require a response time" from the user; "at least one mode that minimizes the cognitive, and memory ability required of the user."

That adds up to a lot of modes. What happens to the Main Street business person who just wants to post a document originally created for some other medium, say a scanned-in brochure or résumé, or a video clip from a seminar? Alternative navigation schemes, transcripts, and video captioning are neither cheap nor quick. Pending FCC regulations requiring broadcasters to provide video descriptions for up to four hours of TV programming a day for the sake of blind users are projected to increase programming costs by $4,000 an hour.

In her congressional testimony, Brewer looked on the sunny side: "On sites that have extensive multimedia, captioning of audio and description of video involves minimal production cost compared to production of the multimedia itself." That's true, I suppose, if you're Sony or CNN developing glossy original content. But Web commentator Dave Hitt, in a Usenet discussion, is more convincing: "Slapping up an audio or audio/video file of a long speech can be done simply and quickly. Providing a transcript of that speech is so time consuming, expensive and boring most web masters will just avoid putting the a/v file up in the first place. So the vast majority is deprived of useful information because a small minority couldn't use it."

Those aren't the only costs awaiting us. Right now, the owner of a local motel, gym, or bodega can borrow an obsolete piece of page-authoring software from his teenaged offspring, learn the basics within a half-hour, and have up a working Web site promoting his business by day's end. Add to the mix potential ADA liability for failing to follow elaborate rules like those above, and the balance of prudence begins to tilt toward using professional design help if you venture onto the Web at all. And even among paid Webslingers, you'll do well to hire the veterans who can show they've attended the proper seminars and constructed a few certified-compliant sites.

Big firms, perhaps, can take this sort of thing in stride. But a genuine (for a change) "digital divide" is apt to open up as others hesitate until they get around to attending a few remedial courses at which they can unlearn the common layout techniques of the past. "We'd probably lose 90% of the free web content within a week if such standards were enforced legally," multimedia producer D. Joseph Hennessy predicted in one recent Usenet discussion. "The net would dry up."

Imagine the outrage if the government told visual artists that they couldn't use low-contrast colors or eye-straining optical effects.

What about the prospect of new software that will make it less onerous to construct accessible pages? That poses policy questions of its own. One role of Brewer's group is pressuring developers of authoring software to build the necessary complications into their programs to generate accessible code—which in practice often means building in ways to *foil* users who would otherwise grab and run with simple solutions that generate unaccessible code. Not all developers of authoring tools are willing to make such changes. Will the holdouts be menaced with liability for selling their authoring software, or will their customers merely be menaced with liability for using it? And that's aside from the chaos of tolerating hundreds of older programs (and homemade code fixes) which don't so much as nod at accessibility. It would be remarkable if the ADA turned out to give officialdom the power to pressure us all into using only certain approved tools for our expression—much as if journalists were issued special typewriters certified to be incapable of emitting improper texts.

It's worth throwing in a few caveats at this point. First, confusion has arisen because the most visible regulations to move forward during the past year have been aimed at setting rules for government-sponsored, as opposed to private, Web sites. It's not a wild stretch to expect that the principles adopted in the one context will influence what courts eventually decide with regard to the other, so the controversy is not exactly misplaced. And what barely seems to have sunk in is that the exposure of private Web site operators to the ADA isn't something due to be phased in four or five years from now; it exists right now. In November, for example, the National Federation of the Blind sued America Online for moving too slowly to make its services available to sightless users; everyone expects that other suits will follow, and not just against online providers that (like AOL) themselves provide a direct connection to the Web and thus can be analogized to telecommunications providers.

It's possible, though hardly certain, that conservative court interpretations will eventually spare us some of the law's most traumatic applications. Courts might, for example, rule many businesses not to be "public accommodations"; or they might rule, as some have suggested, that a business with a nonaccessible e-commerce site has not violated the ADA so long as it maintains an 800-number telephone operation that can provide disabled custom-

ers with the same information and buying options. What *is* certain is that the disabled activist community, as represented at the House hearing that day, firmly rejects such halfway measures. As its representatives told the committee, its position is that nearly everything is covered by the law: e-commerce, large and small Internet service providers, online applications providers, nonprofits when not otherwise exempt, online magazines and journals, and so forth. Entities of all these sorts can therefore expect to be sued under the law in coming years, with a resulting crapshoot in court as to whether they wind up covered or not.

When suits come, it is likely that only a minority of them will emanate from established or well-known disability groups. In Florida, a few previously obscure nonprofits with close ties to law firms have emerged to file more than 600 complaints against businesses large and small, including funeral home and motel operators and retailers, over inaccessible physical features of their buildings and grounds. No less than 323 of the cases name as the plaintiff the same 72-year-old man, who happens to be the uncle of one of the lawyers, and that lawyer expects defendants to pay his $275-an-hour fee each time he settles a charge.

If it's easy for entrepreneurial litigators to stroll down the main street of a town and find stores vulnerable to an ADA suit because their water fountain or pay phone is at the wrong height, it's even easier for them to surf the Web and find sites that flunk the most widely accepted disability guidelines. Assuming a court can be found with proper jurisdiction over them, the next logical step is the filing of accessibility complaints by the cartload.

Disabled advocates talk a lot about the Web's need for "universality," but what's going on here is in fact a retreat from universality on the vital issue of who among us gets to publish. What is the frontier of the fight over free expression? Whether the Brooklyn Museum gets a subsidy next year? Or whether users of the predominant mass medium of tomorrow will retain the right to select the verbal, audio, and visual palette and syntax in which they wish to communicate with the world? Imagine the outrage if the government told visual artists that they couldn't use low-contrast colors or eye-straining optical effects. Yet pro-ADA panelists at the hearing repeatedly emphasized their position that the Constitution's guarantee of free speech has no bearing whatsoever on this case; the First Amendment may prohibit officials from suppressing speech based on disfavored content, but in this case the rules are just going to control everyone's speech alike, whatever its content. Are you feeling reassured yet? Or are you ready to join me in the alarmist camp?

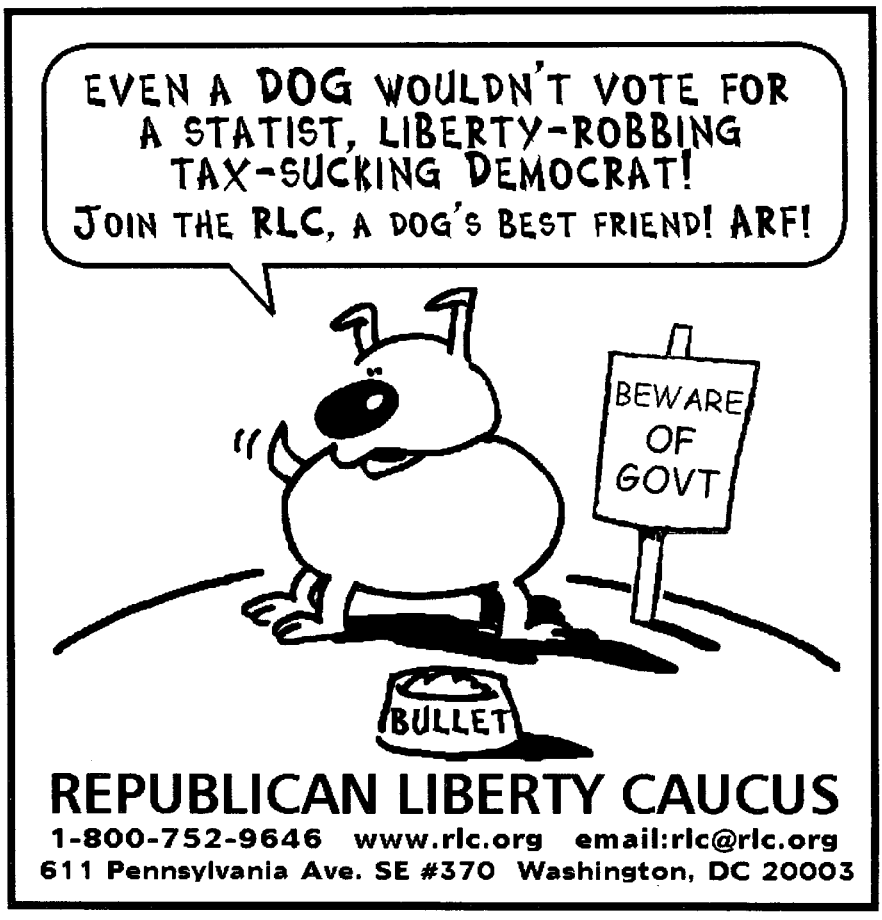
Contributing Editor Walter Olson (wo@walterolson.com) is a senior fellow at the Manhattan Institute and publisher of Overlawyered.com.

ALH www.alhproducts.com
T-Shirts and more. B-Stickers $2 ea. (10) for $10
Who is John Galt?
VISUALIZE WORLD POLICE
FIRST GUN CONTROL ...THEN TOTAL CONTROL
S&H $3 for (1)shirt, $5 for larger orders, B-Stickers S&H $1 any amt.
HELP STARVE A FEEDING BUREAUCRAT
TAXASAURUS REX
DEAD WHITE GUYS
A
B
FREEDOM ROCKS!
A 6 clr/wht B 2 clr/blk $18 M, L, XL, (XXL +$1)
A.L.H. 1429 Ave D. PMB 327-R, Snohomish, Wa. 98290

A Notice To Our Subscribers

From time to time, our subscriber list is rented to others. We carefully screen those to whom we rent our list and try only to rent to those whose offers we believe may interest our subscribers. If you do not wish to have your name included on our rental list, simply let us know by writing us at:

Reason
3415 S. Sepulveda Blvd., Suite 400
Los Angeles, CA 90034
Attn: List Rentals


EVEN A DOG WOULDN'T VOTE FOR A STATIST, LIBERTY-ROBBING TAX-SUCKING DEMOCRAT!
JOIN THE RLC, A DOG'S BEST FRIEND! ARF!
BEWARE OF GOVT
BULLET
REPUBLICAN LIBERTY CAUCUS
1-800-752-9646 www.rlc.org email:rlc@rlc.org
611 Pennsylvania Ave. SE #370 Washington, DC 20003

not disrupt

Dangerous Distraction

By Jason Sholl

The Hyperactivity Hoax: How to Stop Drugging Your Child and Find Real Medical Help, by Sydney Walker III, New York: St. Martin's Press, 260 pages, $23.95/$6.99 paper

Ritalin Nation: Rapid-Fire Culture and the Transformation of Human Consciousness, by Richard DeGrandpre, New York: W.W. Norton, 284 pages, $23.95

A 1998 conference on Attention Deficit/Hyperactivity Disorder (ADHD) sponsored by the National Institutes of Health concluded that "after years of clinical research and experience with ADHD, our knowledge about the cause or causes of the disorder remains speculative." The uncertainty hasn't stopped any number of researchers, journalists, and pundits from commenting on everything from the tricky ethics of diagnosing the disorder to the dangers of treating it with Ritalin. The debate over ADHD —biological reality or social construction, legitimate learning disability or cultural artifact—is one of the most heated in science and education today. And while the appearance of two new books on the subject doesn't promise answers to any of these thorny controversies, it does mark an opportune moment to sift through a decade's worth of information on ADHD and ask what, if anything, we have learned from the national experiment that has made this term a household word.

In *The Hyperactivity Hoax: How to Stop Drugging Your Child and Find Real Medical Help*, neuropsychiatrist Sydney Walker calls attention disorders "symptoms of modern life, rather than symptoms of modern disease." In *Ritalin Nation: Rapid-Fire Culture and the Transformation of Human Consciousness*, psychologist Richard DeGrandpre argues that attention disorders are the inevitable byproducts of a culture-wide addiction to speed—to cellular phones, to faxes and e-mail, to hard-driving rock music and seven-second sound bites on TV. Both believe that the tendency to portray ADHD as a purely "biological" condition, with Ritalin as its "cure," has more to do with culture and politics than with science. In fact, if these two books can be considered representative, then current thought about ADHD is so firmly on the side of nurture that one is left wondering what evidence, if any, was ever advanced on behalf of nature.

People undoubtedly felt differently 10 years ago, when newspaper headlines blithely announced genes "responsible" for everything from homosexuality to migraine headaches. One seminal experiment on ADHD from around this time seemed to demonstrate differences in brain metabolism between normal and ADHD individuals. Its results were never reproduced. Another early study found that a peculiar gene was overwhelmingly present in families with a history of ADHD. But as Walker notes in *The Hyperactivity Hoax*, this "doesn't mean that hyperactivity is a genetic disease. It means that many genetic diseases can cause hyperactivity." In fact, about the only thing that a decade of research on the disorder has established beyond doubt is that Ritalin does help children concentrate. Given that Ritalin helps just about anybody concentrate (as do amphetamines, its pharmaceutical cousins), one can see how the biomedical model of ADHD has become the subject of such fierce attack.

It was never the strength of the science, however, that carried the day for the biomedical view. All of a sudden there was a legitimate medical diagnosis that explained away uncooperative children, eased parental guilt, relieved teachers' anxiety, and lined the pockets of pharmaceutical companies and HMOs. Is it any wonder that this diagnosis caught on? As the opening sentence of an early book on the subject, Edward Hallowell and John Ratey's *Driven to Distraction*, prophetically (though unironically) observed, "Once you catch on to what this syndrome is all about, you'll see it everywhere."

Both Walker and DeGrandpre spend a good deal of time trying to explain this national fixation, which is responsible for roughly 9 million Ritalin prescriptions written in the past year alone. Walker's explanation centers on hurried doctors who treat symptoms without identifying underlying causes and overworked educators who force the ADHD label on any child who is difficult in class. Managed health care is indicted for pressuring physicians into making hasty diagnoses, and even the Western biomedical model itself is not above blame for its reductionist "disease-ification" of everyday life. "Hyperactivity is not a disease," writes Walker. "It's a hoax."

Long the director of the Southern California Neuropsychiatric Institute and a practicing child psychiatrist, Walker has spent years crusading against the misdiagnosis of physical ailments as psychiatric disorders. His 1994 bestseller, *A Dose of Sanity: Mind, Medicine and Misdiagnosis*, was his first foray into the cultural construction of mental disease, and his experience in the field is obvious from his writing, which is filled with anecdotes and case studies. Some of *The Hyperactivity Hoax*'s most memorable passages are Walker's detailed clinical accounts of hyperactive children diagnosed with ADHD but in fact suffering from diabetes, brain tumors, lead poisoning, or other potentially fatal illnesses. Most of these maladies, Walker claims, would have been revealed by more careful diagnostic sleuthing.

MICHELLE WHITE

But *The Hyperactivity Hoax* is a considerably more ambitious project than *A Dose of Sanity*. According to Walker, "Three to five percent of U.S. schoolchildren, and more than ten percent of elementary school–aged boys, currently take Ritalin or other drugs for hyper behavior, attention deficits, and impulsiveness." If the cultural production of disease was once problematic, it has since become epidemic.

So epidemic, in fact, that some, like DeGrandpre, are tempted to see attention disorders as woven into the very fabric of contemporary society. "*Ritalin Nation* is the story of the fastest culture on earth—American culture," writes DeGrandpre, "and how this culture of speed has transformed human consciousness and, in doing so, created a nation hooked on speed and the stimulant drugs that simulate speed's mind-altering effects." For DeGrandpre, hyperactivity can ultimately be reduced to boredom—the impatience of those used to the rapid-fire pace of MTV, Nintendo, and rollerblading.

While DeGrandpre's theory may seem intuitive, especially to those who lament the acceleration of modern life for other reasons, it is unsupported by any original research. DeGrandpre's dependence on generalized observation is as odd as it is unsatisfying. As both a professor of psychology at St. Michael's College and a fellow at the National Institute on Drug Abuse, he is in an excellent position to understand the full complexity of the ADHD phenomenon—its psychological as well as pharmacological aspects. Unfortunately, his long, subjective account of our society's "great misadventures in time" doesn't fully address either.

Moreover, as DeGrandpre himself admits, he is hardly the first to decry the hectic pace of modern life. There has been a long tradition in Western culture, from George Eliot to Søren Kierkegaard to Milan Kundera, of searching out broad cultural meanings from the perceived collapse of time. But before we start asking what ADHD means, don't we have to know what it is?

According to the fourth edition of the American Psychiatric Association's *Diagnostic and Statistical Manual of Mental Disorders* (*DSM*-IV), a child has ADHD if, for a period of six months, he or she exhibits at least six symptoms from a list of 14. Among them: "often has difficulty organizing tasks and activities," "is often easily distracted by extraneous stimuli," "often fidgets with hands or feet or squirms in seat," and "often blurts out answers before questions have been completed." As Walker and DeGrandpre both note, parents are frequently surprised to learn that the clinical observation of these symptoms, over the span of a 10-minute doctor's consultation, is the sole basis of an ADHD diagnosis. After all, aren't all kids "easily distracted" some of the time? Isn't a certain amount of hyperactivity a natural part of childhood?

While such questions seem obvious, for years researchers have been reluctant to take them seriously, not least because so many in the field are already heavily invested in a biomedical view of the disorder. In a rare exception last November, University of Massachusetts anthropologist Ken Jacobson completed the first behavioral study of ADHD involving a population of "normal" children. He observed two groups of English schoolchildren, one diagnosed with ADHD and the other not. Noting actions such as "giggling," "squirming," and "blurting out" on a 35-category behavioral checklist, he found no significant behavioral differences. "In both groups you'd have kids exhibiting concentration, alertness, and control at certain moments, and restlessness, inattention and defiance at others," Jacobson said. In a December interview with *Lingua Franca* magazine, he argued: "If you're predisposed to label *any* child as ADHD, the distracted troublemaker or the model student, you'll find a way to observe these behaviors. And if you're predisposed not to find it, then you'll find ways of overlooking these behaviors."

As science gains the ability to adjust our personalities, we have labeled as psychiatric illnesses many patterns of behavior that were previously considered perfectly normal.

While much recent writing about ADHD, including *The Hyperactivity Hoax* and *Ritalin Nation*, has attempted to defend a view of the disorder as culturally shaped against claims of biological reality, research like Jacobson's suggests this distinction may be putting the cart before the horse. Regardless of where critics locate the blame for our country's ADHD epidemic —managed health care for Walker, the hurried pace of modern life for DeGrandpre, and miswired brains for many others—almost everyone agrees that ADHD is either a genuine disorder in its own right or a sign of some other, undiagnosed problem. But is it possible that the 700 percent increase in Ritalin prescriptions since 1990 has had nothing to do with nature *or* nurture?

Several comparisons point in that direction. For one thing, ADHD rates vary dramatically with socioeconomic background and sex. ADHD-diagnosed children overwhelmingly tend to be middle or upper-middle class and white. They also tend to be male—by a ratio of four or five to one. And yet Jacobson reports that "the girls in my sample were just as 'ADHD' as the boys, even though they almost never get labeled as such." ADHD rates also vary dramatically between countries. In the United Kingdom, for instance, fewer than 1 percent of elementary school students are diagnosed with ADHD—less than a third of the U.S. rate. Even the name of the disorder, according to psychiatrist Thomas Armstrong, has changed more than 25 times during the last century. (Earlier names for ADHD-like behavior include "Oppositional Defiance Disorder," "Conduct Disorder," and even garden-variety "Hyperactivity.") While many, including Walker and DeGrandpre, would like to frame the ADHD debate as one of biological disease vs. cultural artifact, it may simply be that hyperactivity lies in the eye of the beholder.

Even Walker—who believes that hyperactivity usually has an underlying biological cause, even if it isn't always "ADHD"—points out that there are few behavioral differences between ADHD-diagnosed children and gifted children.

Both demonstrate boredom or resort to daydreaming in the classroom; both question rules, customs, and traditions; and both typically abandon tasks that seem irrelevant to them. While no one believes that ADHD and giftedness are the same thing, the comparison does highlight the importance of labeling in this debate—and not only in this debate.

During the past few decades, unpleasant aspects of human experience—everything from grief to shyness to anxiety—have increasingly fallen under the heading of medical illness. This trend was reflected in psychiatrist Peter D. Kramer's 1993 bestseller *Listening to Prozac*, which popularized the idea of "cosmetic pharmacology." Hyperactivity may be yet another example of a disagreeable personality trait that has been medicalized.

While *Listening to Prozac* raises poignant ethical questions about the medical construction of normality, the fact remains that drugs like Prozac and Ritalin do, to some extent, correct undesirable behaviors. Ritalin helps most children do at least a little better in school. Why should this advantage be limited to those with an ADHD diagnosis? But if it's not, what meaning does "Attention Deficit Disorder" really have? Does the target of treatment become the report card?

The Hyperactivity Hoax is written for concerned parents, and Walker is therefore careful to avoid incriminating them in the national ADHD epidemic. But in an uncharacteristic passage, he wonders why some parents are so "determined to have their children classified as handicapped by hyperactivity or attention deficit disorder." The answer isn't much of a mystery: An ADHD label can open the door to a variety of benefits. For poor families, the label can mean money—up to an additional $484 a month in Supplemental Security Income benefits. For students, an ADHD diagnosis can mean untimed SATs, MCATs, and LSATs as well as extra time to complete routine assignments in high school and college. Given ADHD's demographics, some even argue that the label effectively functions as "affirmative action for affluent white people," as health pundit Mary Eberstadt puts it.

Walker briefly touches on these perverse incentives, but he still argues that almost all ADHD-diagnosed children are victims of haphazard medical care. DeGrandpre, citing Ritalin's history as a street drug and cases of Ritalin-related deaths, seems to agree about whom this disorder puts at risk. But improperly diagnosed children aren't the only victims here.

Questions about ADHD have much to do with the distribution of scarce educational resources. By one estimate the U.S. educational system spends close to $9 billion each year on learning-disabled students (this figure does not include the $3 billion spent on related medical visits and prescription drugs). This is four times what was spent last year on federal Head Start programs. Such disparities are hard to defend when there is no clear evidence that ADHD is a legitimate disability. Is it right to selectively label students as "disabled" for exhibiting what may simply be the normal behaviors of childhood? And what is the justification for helping certain students conform to a school's behavioral standards while denying aid to others? These are difficult questions that popular books such as *The Hyperactivity Hoax* and *Ritalin Nation* fail to address.

In the end, what has made DeGrandpre's "Ritalin Nation" not only possible but inevitable is the framing of the ADHD debate itself—a debate that pits nature against nurture while ignoring the distinction between normal and diseased. As science gains the ability to adjust not only our bodies but our personalities, we have responded by labeling as psychiatric illnesses many patterns of behavior that were previously considered perfectly normal. If medicine can fix it, we reason, then there must have been something wrong. In the case of ADHD, we've become obsessed with trying to determine what that something is.

The 4 million American children being drugged with a chemical virtually identical to cocaine are victims of this obsession. So are the children denied the educational luxuries given to their ADHD-diagnosed peers. Over the course of a decade, our search for the roots of ADHD has revealed remarkably little. It's time we stopped looking for invisible causes and started asking about the very real costs that the idea of ADHD imposes on our children—those who are diagnosed with the disorder as well as those who are not. ◆

Jason Sholl (sholl@linguafranca.com) is an editorial assistant at Lingua Franca *and editor of its weekly books column on barnesandnoble.com.*

Assault with Blunt History

By Richard A. Epstein

A Necessary Evil: A History of American Distrust of Government, by Garry Wills, New York: Simon & Schuster, 365 pages, $25.00

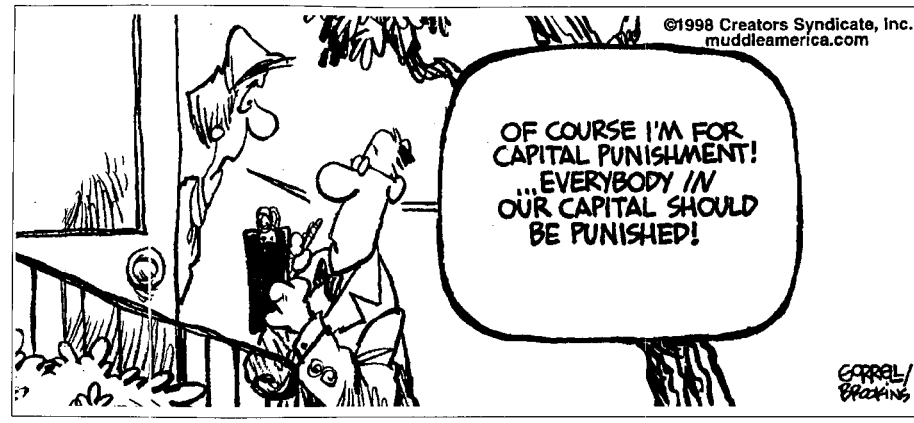
No lawyer can serve two masters, unless he makes full disclosure of the potential conflicts of interest. Historians are—or should be—subject to the same constraint. But in the case of Garry Wills' new work, full disclosure of his dual agenda would be of no avail, because its sole consequence would be to put his readers on alert. Wills' intention is to discredit the full range of antigovernment thinkers past and present by showing how and when government can be a source of good. The fatal flaw in *A Necessary Evil* is that Wills treats history not primarily as an enterprise for unearthing the truth but as a weapon to pummel his contemporary intellectual and political opponents. His aim is to lump all of his adversaries together and place them on the fringes of social and intellectual life, by branding them as the successors of (to use his categories) the "nullifiers," "seceders," "insurrectionists," "vigilantes," "withdrawers," and "disobeyers" who have dotted our history.

This amorphous group of political and intellectual figures shares what Wills thinks to be the misguided belief that "government, as a necessary evil, should be kept at a minimum; and that legitimate social activity should be provincial, amateur, authentic, spontaneous, candid, homogenous, traditional, popular, rights-ori-

ented, religious, voluntary, participatory, and rotational." I for one know of no person or group that embodies this eclectic collection of virtues, but in these characteristics Wills finds the grist to attack in breathless succession all sorts of people and groups, ranging from Louis Brandeis and Earl Warren (for misreading the Federalist Papers) to the National Rifle Association and U.S. Term Limits (for sins that are almost too obvious to bear recounting).

In taking on this dual mission, Wills writes with polish and verve that makes for lively reading. Wills comes to his readers as a persuasive historian and public intellectual, known best perhaps for his careful and innovative reading of Lincoln's Gettysburg address, which garnered him a Pulitzer Prize. In this volume, however, Wills abandons the rifle for the shotgun and seeks to demolish many diverse targets with a single blast. Unfortunately *A Necessary Evil* is shot through with major errors, especially a pair of key blunders that undermines its assault on free markets and limited government. First, Wills fails to understand the logic of the Lockean system of rights that he attacks for its supposed zero-sum mentality. Second, he has no grasp of the fundamental tradeoffs that lie behind the construction of our constitutional scheme. His impoverished political and constitutional views deny him a theoretical platform from which to discredit his strongest opponents, even as he employs those views to knock down a series of straw men.

Wills' opening salvo against the antigovernment forces is a cute verbal reductio ad absurdum from Henry David Thoreau: Those who accept the motto, "That government is best which governs least," must necessarily endorse the view that no government is best of all. Wills quickly backtracks because his most responsible opponents argue for limited government, not for no government. But he charges them, falsely, with assuming that "we are faced with a zero-sum game. Any power given to the government is necessarily subtracted from the liberty of the governed." In his closing section, Wills returns to this zero-sum theme by claiming that "John Locke's social contract...teaches that government is founded on a necessary *loss* of freedom, not on the *enhancement* of liberty."


©1998 Creators Syndicate, Inc.
muddleamerica.com
OF COURSE I'M FOR CAPITAL PUNISHMENT! ...EVERYBODY IN OUR CAPITAL SHOULD BE PUNISHED!
GORRELL/ BROOKINS

But Wills hasn't the foggiest idea about zero-sum games. Every shift of rights between individuals, or from individuals to government, necessarily conserves the sum of legal rights. Two individuals cannot possess the same rights over the same thing at the same time. Likewise, in politics, every advance of government power necessarily shrinks rights that are left to individuals. Let's concede (or insist) on that point. What Wills misses is that in game theory the zero-sum concept refers not to *rights* but to *utilities*. A transfer or reassignment of rights rarely, if ever, operates as a zero-sum game in the domain of utility. To a Lockean social contract theorist (like me), the ideal is to support only those forced transfers of legal rights that lead to net gains in social utility by creating positive-sum games, while spurning proposed transfers that create negative or zero-sum results.

To a Lockean, the inability of private individuals to curb violence justifies the mutual renunciation of the private use of force as a positive-sum game. Likewise, the inability of private parties to organize private roads and communications networks requires, at the very least, the use of the state taxation and eminent domain powers to organize large elements of our social infrastructure—another positive-sum game, if rightly executed. To prevent government abuse in the discharge of these functions, the Lockean rejects Hobbes' absolute sovereignty in favor of limited and divided government. He accepts the sometimes "inefficient" system of checks and balances because he fears political abuse will diminish the social gains from collective action. But the Lockean does not shut government down, because he accepts that government can succeed in some areas where markets fail.

Because Wills does not understand the Lockean vision, he is unable to isolate the cases where his own vision of the New Deal–style social-welfare state parts company with its Lockean precursor. Wills misfires when he thinks he refutes Locke by noting that a system of voluntary contracts requires state enforcement. "Popular mythology" may, as Wills contends, make "the state the enemy of the free market." But Lockeans believe in state enforcement of private contracts precisely because they wish to facilitate positive-sum transactions. The question for them is whether the government should dictate the terms of engagement in competitive industries. Wills supports a minimum wage and collective bargaining, but he offers no evidence that these institutions outperform competitive labor markets.

Wills also seeks to build up the image of positive government by showing how it works "a necessary good" in building and managing public highways. The state can define rules of the road, license drivers, require them to wear seat belts, charge tolls, and the like. Again, a Lockean would not dispute these powers (although for complex reasons would be uneasy about requiring the use of seat belts), but would limit the government's ability to allow some people to drive without licenses or without paying tolls. Yet Wills never articulates a set of political or constitutional constraints that he would place on state-run highways—or, for that matter, on state regulation of public utilities. Reading *A Necessary Evil* would never clue readers in to the perennial tension in the regulation of natural monopolies: how to squeeze out the monopoly profits without confiscating

GORRELL & BROOKINS

the invested capital. Such issues are simply below Wills' radar.

The proof of Wills' pudding therefore lies only in those cases where he favors government intervention that the Lockean opposes. There are many of these. For example, Wills castigates his opponents for their opposition to national health care. He paraphrases their argument as follows: "Are Americans less protected against threats to their health than citizens of other democracies? Say that is so—but are we to purchase health at the price of liberty? For that is what giving power to the government would mean, including power to provide medical care." His clear implication is that his adversaries oppose national health because it results in the loss of rights, even though it produces obvious benefits to everyone.

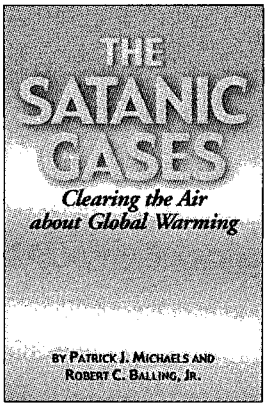
But Wills never deigns to show that state provision of health care yields positive-sum outcomes that justify the use of state coercion, relative to the performance of the free market. Here he might point to the information asymmetries in health care markets; but before leaping to national health, he should ask whether third-party agents—employers, unions, religious organizations—can neutralize that edge without nationalizing the whole system. Or he might point to the large number of Americans without health insurance. But he should then ask whether state and federal coverage mandates for alcoholism or psychiatric treatment drive private employers from the health care markets. Or he could look to explain the troubled performance of the Canadian system, or challenge Hayek's major theme that centralized systems do not know how to make capital investments or ration use.

But for Wills a quip is better than an argument, so he veers off to attack the gun lobby in one sentence—"If government has the power to take away guns, all our liberties are gone."—and the champions of local government in the next—"If the states, as lesser units of government, cede power to the central government, tyranny impends." Nothing in his rendition of his adversaries' positions is modulated or tempered, for Wills writes as though to state the most extreme version of a proposition refutes all qualified versions of the same thesis.

"Should be read by every scientist and layman who has an interest in global warming."

—Frederick Seitz, Past President, National Academy of Sciences

Is almost everything you know about global warming wrong? Climatologists Patrick J. Michaels and Robert C. Balling, Jr., say it is. They lay out the scientific facts, expose exaggerations and misrepresentations, and examine how science gets corrupted by government money. As the Gore campaign heats up and the Senate debates whether or not to ratify the Kyoto treaty, this book will be the bible of those opposing Gore and the global-warming crusade.



The Satanic Gases by Patrick J. Michaels and Robert C. Balling, Jr.
Available at fine bookstores. 224 pp./$19.95 cloth/$10.95 paper.

1-800-767-1241 CATO INSTITUTE www.cato.org

THE COMPLETELY PRIVATE ASSETS:
Gold, Platinum, Palladium, Silver
Coins, Rounds, Bars

Precious Metals: Securely Ordered, Safely Delivered℠

Find them at:
www.NetMetals.com

Given his regrettable tendency to hyperbole, it is not surprising that Wills fares no better as a constitutional theorist. Here his main targets are the defenders of states' rights—a motley collection, for him, of nullifiers, seceders, and insurrectionists. So preoccupied is he with the extremists that he never addresses the profound questions of federalism before the Supreme Court today. The issue is not the breakup of the Union but a more nuanced dispute regarding the extent to which federal law limits state sovereignty.

For example, the Supreme Court has held that states cannot be sued in either federal or state court for copyright or patent infringement, a decision that has left the intellectual property bar agog. It has also held that state governments cannot be required to conform to the dictates of age discrimination law. To a good Lockean, the first case seems wrong: The U.S. Congress has a specific constitutional grant to issue patents to inventors and copyrights to authors. Why, then, can it not protect these property rights against state incursion? The age discrimination case, however, seems right: Letting states contract freely with their employees looks like an element of state sovereignty that Congress could not override. Yet while bashing away at the fringes, Wills misses the only debate that really matters.

Wills uses history as a club to win current debates on law and policy to which he as a historian contributes nothing.

He does, however, try to say something about the allocation of power between the federal and state governments. He starts off sensibly enough by attacking an exaggerated version of the Reaganite trope that local governments are always preferable to the national government because they are closer to the people. He is quite right to warn us of the risk of local oppression, such as segregation in the South. But from that point on, it is all downhill. Wills takes great pride in noting that Madison supported a national veto by the Congress in all cases of state legislation. That provision, which was soundly rejected at the constitutional convention, would have indeed reduced states from limited sovereigns to federal pawns.

But what about the Constitution we do have? Here Wills uses a paintbrush so broad that it covers the barn with a single stroke. First, as part of his dubious myth-exposing enterprise, he rejects the notion that the three branches of the federal government—legislative, executive, and judicial—are coequal. He believes that in the long haul, Congress, with its arsenal of powers, is the dominant player in our system. But what about the doctrine of enumerated powers that, unlike Madison's veto, did make it into the Constitution, and that reserved at least some local matters for exclusive regulation by the states? At this point, Wills is forced to address the place of the Commerce Clause, which gives Congress the power to regulate "commerce among the several states."

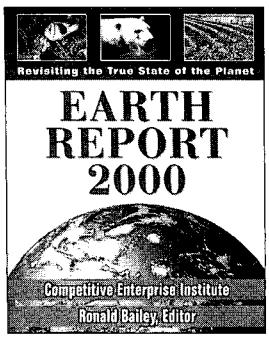
In 1824, Chief Justice John Marshall limited that conception to goods shipped in interstate commerce and the roads and rivers used to transport them. By 1942, the New Deal Supreme Court told us that feeding grain to one's own cows may be regulated under the commerce power. In 1995, the modern Court reversed field a bit by holding that Congress could not prohibit the carrying of guns within 1,000 feet of a public school. As this is written, the Court must decide whether an alleged dormitory rape may be punished under the Violence Against Women Act. This tangle of structural issues represents a powerful judicial challenge to congressional action. But it escapes Wills' gaze. Loners like Timothy McVeigh get all the ink.

Wills shows equally little comprehension of the distribution of powers at the federal level. Judicial review—the power to invalidate democratically passed federal (or state) laws—has always been regarded as a worthy competitor to congressional power, raising what has been aptly called "the countermajoritarian difficulty." Yet Wills' take on that epic question must be quoted to be believed: "If the Supreme Court declares a law that Congress has passed unconstitutional, it is not asserting judicial supremacy, but upholding a legislative act, that of the Constitution whose creatures the judges are." Wow! John Marshall's 1803 landmark decision in *Marbury v. Madison* is sidestepped by a verbal trick that equates the Constitution with congressional legislation, thereby ignoring the entire range of textual, historical, and structural arguments arrayed on all sides of the question.

The errors keep coming. So wedded is Wills to his vision of federal dominance that he messes up the subsequent history of judicial review of economic and social legislation. Madison, he says, was wholly vindicated by "the modern extension of due process. Now the federal government does exactly what Madison was calling for both at the convention and the first Congress—it blocks states from making law violative of individual rights." It would have been nice for Wills to note that it was not Congress but the Supreme Court that did the lion's share of this work, and that it did so under the 14th Amendment to the Constitution, adopted in 1868. And Wills might note that the Court's protection of individual rights was used largely to strike down, at the state *and* federal levels, those very types of legislation that he thinks a good society should provide: a minimum wage, limits on work hours, collective bargaining statutes, and the like. (Most of these interventions are inconsistent with the Lockean view of limited government.) How odd and uninformed it is for Wills to find in *judicial* activity the belated realization of his own version of Madison's vision!

Wills' litany of constitutional blunders continues to the end. To bolster his claim of congressional dominance, he observes that the president can only propose legislation and treaties, while Congress disposes of them. Apparently, he has not heard that treaties must be approved not by Congress but by a vote of two-thirds of the senators present. He writes as though Congress can remove officers of the federal government: even in the wake of the Clinton fiasco, he does not recall that the House has the sole power to impeach and the Senate the power to convict. Indeed, he fails to understand that in many ways

UTHORS • REASON AUTHORS • REASON

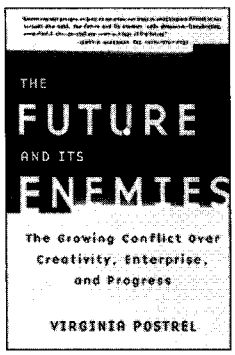


Earth Report 2000: Revisiting the True State of the Planet

REASON Science Correspondent Ronald Bailey has edited the definitive guide to the Earth's environment—and to environmental policy—at the turn of the millennium. Published by McGraw-Hill.

"An **impressive and clear-thinking** book....It should be read by all those interested in the fate of our planet." ***—Wall Street Journal***

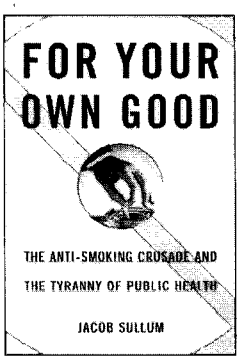
NOW IN PAPERBACK!



The Future and Its Enemies: The Growing Conflict Over Creativity, Enterprise, and Progress

REASON Editor-at-Large Virginia Postrel takes on the enemies of freedom and progress and launches a new national debate about how to face the future. Published by Touchstone Books.

"A **quirky, bold, and original** attempt to redraw the terms of political debate for the next century....*The Future and Its Enemies* has acquired **demi-cult status** in the high-tech world." ***—Vanity Fair***



For Your Own Good: The Anti-Smoking Crusade and the Tyranny of Public Health

REASON Senior Editor Jacob Sullum lays bare the dangerous implications of regulating personal behavior in the name of the public good. Published by The Free Press.

"A **persuasive polemic** against the shower-adjusters of this world, whose great hands reach into your quarters and insist that the temperature you are enjoying is really just a little too hot, or else a little too cold." **—William F. Buckley, Jr.**

Order your copies today at the Reason Online bookstore (reason.com/bookstore.html)

the House and Senate have separate and distinct powers, such as in determining the qualifications of their own members. Likewise, he is wrong to say that the courts cannot "touch" the president, unless he thinks that the Supreme Court's rejection of Clinton's assertion of absolute presidential immunity in the Paula Jones case doesn't count.

And so it goes. Wills' clumsy portrait of our Constitution is a symptom of the deeper flaw in this misconceived book, which uses history as a club to win current debates on law and policy to which Wills as a historian contributes nothing. Readers can enjoy Wills' description of the ragtag state of the revolutionary militia, his elegant cameo of John Taylor of Caroline, or his quick summary of the Whiskey Rebellion. But on the grander points of political theory, economic analysis, and constitutional law, Wills displays only misplaced erudition, marred by unnecessary confusion.

Richard A. Epstein (r-epstein@uchicago.edu) is the James Parker Hall Distinguished Service Professor of Law at the University of Chicago. His latest book is Principles for a Free Society: Reconciling Individual Liberty with the Common Good *(Perseus Press).*

Rebel Without Applause

By Jacob Sullum

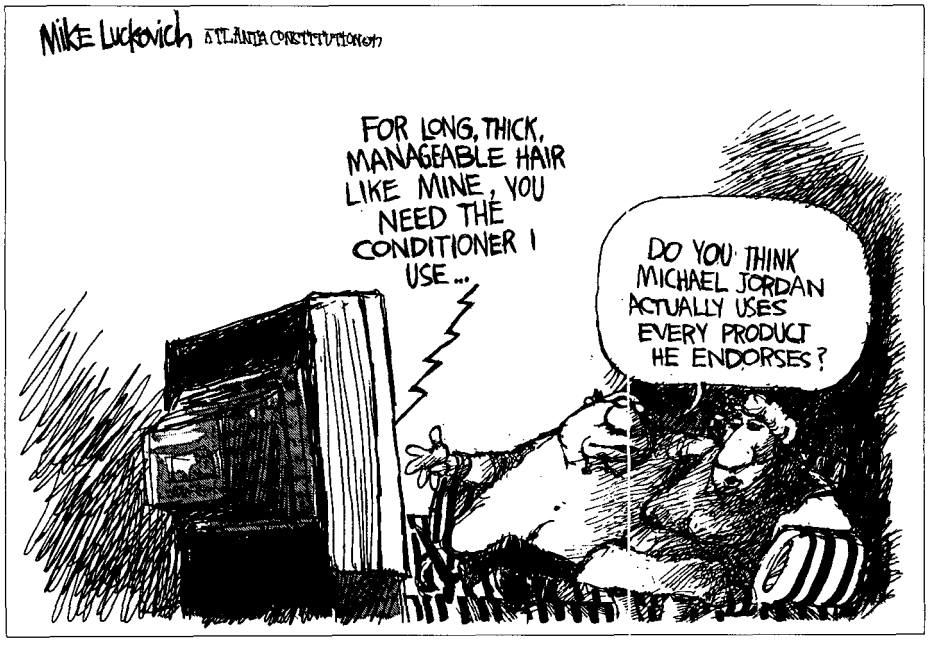
Culture Jam: The Uncooling of America™, by Kalle Lasn, New York: Eagle Brook/Morrow, 247 pages, $25.00

In the introduction to *Culture Jam*, Kalle Lasn, publisher of the super-hip anti-consumerist magazine *Adbusters*, describes an epiphany he had in the parking lot of a grocery store. He was about to drop a quarter into the slot on a shopping cart, thereby freeing it from the line of carts locked together outside the store. Suddenly, he realized that he *hated* this supermarket, "a sterile chain store that rarely carries any locally grown produce and always makes me stand in line to pay." To add insult to injury, the store's management expected him to obediently return the cart after he was done shopping and collect his quarter. Filled with rage, Lasn jammed a "big bent coin" into the slot and stalked off to "the little fruit and vegetable store down the road."

Lasn is not embarrassed by this petulant act of sabotage. Far from it. "I felt more alive than I had in months," he reports. If you don't understand why, perhaps you need to read this book. Then you will see that Lasn was not simply vandalizing the store's property and inconveniencing other shoppers. He was breaking "the media-consumer trance," protesting "our mediated, consumption-driven culture," and boldly showing the way out of "the stupefyingly comfortable patterns we've fallen into." He was also, in his own small way, saving the planet.

If you still don't get it, that's probably because you've been brainwashed by the corporations that thrive on "our rampant, oblivious consumption." As Lasn explains, "A long time ago, without even realizing it, just about all of us were recruited into a cult." The cult programmed us to buy, promising that we could achieve happiness through consumption. Lasn, a former market researcher and documentary filmmaker who was born in Estonia, grew up in Australia, and eventually settled in Canada, wants to deprogram us. Now in his 50s, he runs the Vancouver-based Adbusters Media Foundation, which aims to subvert corporate brainwashing through satire and "social marketing campaigns" such as "Buy Nothing Day" and "TV Turnoff Week."

Lasn describes his mission as "culture jamming," which involves "demarketing" or "unselling" the products that the corporations want us to buy, revealing the hollowness of the cool images they condition us to pursue. Our lives are so saturated by such conditioning, he believes, that "America is no longer a country. It's a multitrillion-dollar brand." Hence the book's oh-so-sly subtitle, "The Uncooling of America™."


Mike Luckovich ATLANTA CONSTITUTION
FOR LONG, THICK, MANAGEABLE HAIR LIKE MINE, YOU NEED THE CONDITIONER I USE...
DO YOU THINK MICHAEL JORDAN ACTUALLY USES EVERY PRODUCT HE ENDORSES?
MIKE LUCKOVICH

The appeal of Lasn's message goes beyond the sort of guilty yuppies who join Greenpeace and subscribe to the *Utne Reader*. His organization's publicity stunts attract mainstream press coverage, he is widely quoted as an expert on advertising, and his book has received glowing reviews from publications that are not known for their revolutionary sympathies. Despite Lasn's consistently overheated prose, *Esquire* called *Culture Jam* "one very cool book," while *Kirkus* described it as "an eloquent manifesto of anti-commercialism

worthy of predecessors like Thoreau and Huxley."

To some extent, Lasn's appeal is understandable. No one likes to be manipulated, and everyone is annoyed by some of the ways in which businesses try to sell their products. Anyone who has ever been interrupted by a telemarketer, deluged by junk mail or spam, distracted by an obtrusive product placement in a movie, or jarred by a particularly obnoxious commercial can identify with parts of what Lasn has to say. And surely it's true that people are sometimes disappointed with their acquisitions, especially when they try to substitute shopping for more meaningful pursuits. But Lasn goes beyond validating our complaints to argue that we should be complaining even when we're not inclined to. You may think you're a happy consumer, but Lasn knows better. "Plenitude is America's perverse burden," he declares. "When everything is at hand, nothing is hard-won, nothing really satisfies. Without satisfaction, our lives become shallow and meaningless." And "consumer capitalism" is destroying more than our souls; it is also "killing the planet."

If you don't already accept these claims, this book will not persuade you. Lasn's arguments consist mainly of sweeping assertions, rarely backed up by anything more than his personal impressions. "Many people...seem to be experiencing higher highs and lower lows these days," he writes. "We soar the skies one moment, then feel slack and depressed the next." Lasn attributes these mood swings to alienation from real life: "We watch nature shows instead of venturing into nature. We laugh at sitcom jokes but not at our spouse's. We spend more evenings enjoying video sex than making love ourselves."

Lasn seems to be extrapolating from a very small sample. "My natural instinct for spontaneity, camaraderie and trust has been blunted," he writes, lapsing into the first-person singular. "I used to pick up hitchhikers; now I hardly ever do. I rarely speak to strangers anymore." Based on such data, Lasn claims to see into all of our souls. "Are we happy? Not really," he says. "No one really feels they belong. No one feels any sense of purpose."

Oddly, Lasn looks back fondly on the 1950s, a period that the counterculture he admires derided as stultifyingly conformist, hardly characterized by the "spontaneity" and "authenticity" for which he yearns. Indeed, this was the decade in which social critics such as Vance Packard and John Kenneth Galbraith began warning the public about corporate manipulation of consumer desire, the role Lasn and his fellow culture jammers have now taken on. Yet Lasn insists that "in postwar America things really *were* pretty good," and "people really were fairly happy." He's a bit hazy on when and how things went wrong, "but somewhere along the line, the dream soured," and now "our world seems an almost cartoonish distortion of the world we once knew."

Lasn's treatment of environmental issues, which he links to a way of life that generates pollution and depletes resources through excessive production and consumption, is similarly impressionistic. He offers a litany of concerns, from global warming to genetically modified crops, without pausing to consider how serious a threat each represents. He is so eager to paint the darkest possible picture that he outdoes himself. "In country after country," he asserts on page 61, "studies reveal that men's sperm counts are falling. Nobody quite knows why." Yet 54 pages later, he has convinced himself that "sperm counts are falling, due to chemical pollution of our air, water and food."

"You learn to reward the good with your dollars...and punish the bad by refusing to buy in," writes Lasn. This is not a rebellion against capitalism; this is how capitalism works.

Lasn's position on violent entertainment also evolves during the course of the book. "We still haven't answered the most basic questions," he says on page 12, "such as how media violence affects children." By page 188, however, he is referring to "the incontrovertible link between TV violence and real-world crime," "a clear cause-and-effect relationship." In case you were wondering, he also takes a dim view of fictional sex. "I think the constant flow of commercially scripted pseudosex, rape and pornography makes us more voyeuristic, insatiable and aggressive," he says, "even though I can't prove it with hard facts."

Along with intuitive toxicology and fact-free sociology, Lasn advocates "ecological economics," which holds that "the world is already 'full' and further expansion will lead us into an ecological nightmare, a prolonged and possibly permanent 'age of despair.'" Since Lasn's brand of economics also holds that it's more efficient to grow your own vegetables than to buy them in a supermarket, he could be wrong about the end of the world too. He concedes that economists almost universally reject the view that humans are bumping up against "limits to growth," but he asks that we "assume for the moment that our survival is indeed threatened." In that case, "The solution is nothing short of a cultural revolution."

That's the sort of phrase a critic of capitalism probably should avoid. But it's of a piece with Lasn's grand ambitions. "On the ruins of the old consumer culture," he writes, "we will build a new one with a noncommercial heart and soul." Among other things, he calls for "new consumption patterns and new lifestyles," "a global across-the-board pricing system that tells the ecological truth," and "new cities designed chiefly with pedestrians, bicycles and public transport in mind." It is hard to reconcile such goals with Lasn's avowed rejection of central planning.

Nor does Lasn's lip service to free speech sit well with his attempt to delegitimize anyone who might disagree with him. People who have a good word to say about Nikes, Big Macs, or TV ("North America's number one mental health problem") are under the sway of "market-structured consciousness." People who express skepticism about global warming or defend the car ("arguably the most destructive product we humans have ever produced") are spreading "infotoxins." People who create commercials, TV shows, or movies that offend Lasn are dumping "mental pollutants" into our "collective unconscious." Lasn manages to exclude all of these people from the debate

even while insisting on the importance of "information diversity."

Doublespeak is not the only habit that Lasn shares with the propagandists he condemns. "We are constantly being hyped, suckered, and lied to," he complains. Later, as if to prove his point, he insists that "everything we do has global implications. Crisis is never far away....The fate of the planet hangs in the balance." Likewise, Lasn says advertising "is 'antilanguage' that, whenever it runs into truth and meaning, annihilates it"—a pretty apt description of the clever-seeming pronouncements that litter this book. "You have moved so far into the consumer maze that you can smell the cheese," Lasn warns. But isn't the cheese the reason you crawled into the maze in the first place? And is Lasn saying that you will eventually get the cheese (as rats tend to do) but still not be satisfied? Or is he implying that the cheese, representing true happiness, is forever out of reach? Already you, a lowly rodent, have given this metaphor more thought than he did.

When it comes to the question of who is running this experiment, Lasn implies a conspiracy so pervasive that no one can escape its influence. "A free, authentic life is no longer possible in America today," he writes. "We are being manipulated in the most insidious way. Our emotions, personalities and core values are under siege from media and cultural forces too complex to decode." Somehow, though, Lasn and his friends have managed to decode them. What's more, they've found the keys in plain sight, incorporated into the culture that supposedly tells us to shut up and keep buying stuff.

Thus, Lasn cites *The Manchurian Candidate*, *A Clockwork Orange*, *Network*, and *The Truman Show* as movies with subversive messages about the dangers of propaganda and the importance of thinking for oneself. All were critically acclaimed and have attracted big audiences, and many more examples could be added to the list. Why would corporations that depend on a servile population of unthinking consumers undermine themselves by producing and distributing such films? Perhaps they are simply making their brainwashing more effective by creating the illusion of dissent. But then what are we to make of Lasn's book, which was published by an imprint of HarperCollins, a subsidiary of Rupert Murdoch's media conglomerate? Is Lasn himself a pawn of the corporations?

Assuming he is not, he may need to rethink his portrait of a monolithic culture that has only one thing to say about the virtues of consumption. But Lasn seems oblivious to the clues that there is something wrong with this picture. He claims mainstream media outlets have shut out his point of view because they're afraid of offending advertisers. "In the former Soviet Union you weren't allowed to speak out against the government," he says. "In North America today you cannot speak out against the sponsors." Yet he advises would-be culture jammers looking for publicity that "the media are always willing to expose a dirty little secret."

There is a similar contradiction in Lasn's description of the relationship between consumers and the businesses that cater to them. The corporations "are very attentive" to our desires, he concedes. Yet somehow "we get zero control." Later it becomes clear that Lasn cannot really believe this. "You learn to reward the good with your dollars and time, and punish the bad by refusing to buy in," he writes, urging his readers to use their power as consumers to change the culture. "You never let the corporation forget who is serving whom." This is not a rebellion against capitalism; this is how capitalism works.

From time to time, Lasn implicitly acknowledges that consumers have learned to be critical of what they see and hear. They have become "jaded and media-savvy"; they flip from channel to channel, looking for better options. These do not sound like the mindless drones on which Lasn's critique of "consumer capitalism" depends.

Try as he might to equate consumers with slaves and persuasion with coercion, the truth is that every manifestation of the market that Lasn deplores is a product of individual choices. People *like* fast food, zippy cars, and violent movies. Lasn does not merely argue against these choices; he insists they are not really choices at all. His book is suffused with contempt for the mesmerized masses who drink Coke, eat Snickers bars, wear Gap jeans, and aspire to drive BMWs or SUVs.

They may think they're cool, says Lasn, but they're not. "Legitimately cool people instinctively understand that the psychology of subservience—getting corporately seduced—is a chicken-ass way to live," he writes. "It's cool to rebel. But a lot of people who think they're rebelling, aren't." True rebels, in Lasn's view, do un-chicken-ass things like "jamming a coin into a monopoly newspaper box" and "liberating a billboard in the middle of the night." When they're not busy throwing tantrums at the supermarket.

Senior Editor Jacob Sullum (jsullum@reason.com) is writing a book on the morality of drug use.

Uncontrollable Passion

By Loren Lomasky

A Passion for Democracy: American Essays, by Benjamin Barber, Princeton: Princeton University Press, 293 pages, $26.95

A Place for Us: How to Make Society Civil and Democracy Strong, by Benjamin Barber, New York: Hill and Wang, 166 pages, $22.00

As the Berlin Wall fell and expectations rose across Central Europe a decade ago, the newly released subjects of the Soviet empire began to contemplate normalization of their lives. Among the many avenues of free activity opening to them, the one that most fully comprehended the scope of the ongoing transformation was joining the company of the world's *democracies*. Throughout the century, no other political ideal has possessed comparable resonance with peoples everywhere. From Woodrow Wilson's crusade to make the world safe for democ-

racy through today's fractious wrangling in East Timor and elsewhere, the aspiration for satisfactory social institutions within which ordinary men and women might carve out decent lives typically expresses itself as the desire for democracy.

The world's enduring love affair with democracy is familiar. But it is not without puzzles. How can an occasional trip to the polls by those citizens who bestir themselves every couple of years to pull some levers bear the moral weight that has been built into the democratic ideal? What's really so special about democracy? Turning to the writings of the great modern political philosophers deepens the puzzle. For with very few exceptions, democracy is presented as a distinctly secondary desideratum, a means toward other goods more directly prized.

In the writings of John Locke, the first great liberal theorist, the paramount end of political association is vindication of individuals' rights to life, liberty, and property via maintenance of civil peace. Because men see the world from distinct perspectives, they will differ in their views concerning how best to uphold that peace. In practical affairs a choice must be made whether to go this way or that, and it only makes sense that, all else equal, the body politic move according to the will of the greater rather than the lesser faction. And that, crucially, is all. There is no imputation of wisdom or virtue to majorities as such. Lest they become tyrannical, legislative bodies are to be constrained in their operations by the antecedent rights of citizens and tamed as much as is feasible by divided institutions of sovereignty and a robust shield of law. With some additions and modifications, this is the scheme anticipated by the Declaration of Independence, promulgated by the Federalist Papers, and successfully enshrined in the Constitution. Our central institutions were designed to be democratic, but warily so.

Winston Churchill's is the best-known statement of the pragmatic case for democracy: Democracy is the worst form of government—except for all the rest. We prize democracy not for what it is but for what it is not. Reshuffling the occupants of Westminster or the White House via periodic elections may not guarantee streams of statesmanlike benefactors, but at least it seems to relieve us of rule by Ceausescus, Pol Pots, and Saddams. Through voting we have an opportunity to "throw the rascals out," and if their offices are quickly reoccupied by a new cohort of rascals, well, we shall in due course be able to hand them their walking papers too.

Political theory is incapable of providing a convincing theoretical justification for preferring a regime of democratically elected nonentities to rule by a virtuous meritocracy pledged to serve the common good (the latter is more or less Aristotle's idea of the best form of governance), but those aren't the choices on offer. Benevolent despots tend to remain much more reliably despotic than benevolent, and Lockean rights typically receive short shrift at their hands.

Lee Kuan Yew's Singapore remains a mecca for free transactions, but one had best not speak too openly whilst within reach of its gendarmes. The nepotistic corruption of Suharto's Indonesia was conveniently overlooked while the country had its run as a high-achieving economic dragon. But after paper values collapsed and streets erupted in ideological and ethnic strife, strongman rule looked distinctly less attractive. Pinochet restored to Chile vigorous economic health and representative institutions, but at least 3,000 unaccounted-for corpses remain for his admirers something of an embarrassment. As Madison notes in the Federalist Papers, human beings are not angels, and so we do best to clip the wings of our governors. The great advantage of democracy in this respect is that rule by timeservers is preferable to rule by tyrants.

Running parallel to the tradition of political philosophy in which democratic institutions serve as means to other goods is a powerful subcurrent that understands democratic activity as intrinsically valuable, a necessary constituent of the good life in society. This alternative tradition, given its deepest modern expression by Rousseau but with roots in Aristotle's philosophy and the civic republicanism of the Renaissance, is deeply suspicious of liberal individualism. It derides as "atomistic" the view that the common good is nothing more than the sum of individuals' separate preferences. Unlike buyers and sellers in the market, say proponents of this view, we do not approach each other as solitary extenders of quids to exchange for quos. Rather, we are essentially gregarious animals, and that means that what we do together matters at least as much as what we might do severally. Politics, then, is not simply an overarching framework within which individuals angle to secure private satisfactions but rather a domain in which we come together as beings who achieve a sense of meaning and purpose, who transcend the limitations of solitary selves, through constructing a common identity as *citizens*.

For three decades Benjamin Barber, a professor of political science at Rutgers University and director of the school's Walt Whitman Center for the Culture and

HENRY PAYNE

Politics of Democracy, has carried the banners of Rousseau and of the Thomas Jefferson who apotheosizes a nation of virtuous and politically vigilant freeholders (although, as we shall see, not the Jefferson who affirms the priority of individuals' rights to life, liberty, and the pursuit of happiness). At a time when most prominent theorists of the left were hostile or, at best, ambivalent toward American (or *Amerikan*) traditions, Barber held up images of the nation's past as proud templates for correcting what he took to be its deeply flawed present. He was respectful but less than adulatory toward things Marxian, advocating a power to the people that was distinctly more populist than the one favored by the gerontocracy in Moscow and its American apologists.

These deviations from the norms of his native ideological ecosystem may have marginalized Barber during the early stages of his career. But with the disintegration of the Soviet Union and increasing desperation, even in university humanities departments, among leftists hoping to sketch a socialism with a human face, Barber's brand of progressive politics is attracting favorable notice from those in need of a new cudgel with which to pummel free markets and globalization. It doesn't hurt that, in an arena in which turgid, jargon-ridden prose is the rule, Barber can spin a phrase with the dexterity of Derek Jeter turning a double play at second base. And in a country in which it is an article of faith for many that the cure for the ills of democracy is more democracy, the fervor that Barber avows in the title of his collected articles, *A Passion for Democracy*, is an additional asset.

Make no mistake, though: The object of Barber's affections is not the routine business of periodic elections and representative institutions. Toward these the dominant passion he displays is disdain. Nor does Barber have much time for public choice theory's concerns about voters' rational ignorance. He glibly remarks, "a citizen need be no more technically knowledgeable than Ronald Reagan to be effective—for surely we need not ask more of citizens than of presidents." Of course presidents, unlike ordinary individuals, are full-time occupants of their political role and with the press of a button can avail themselves of endless oceans of expertise, but these differences aren't allowed to get in the way of a clever dig. Rehabilitation of the occasional voter isn't part of Barber's design anyhow. To the contrary, he disparages the *voter* as he extols the *citizen*. The former, maintains Barber, enjoys freedom only on the day he casts a ballot, and in voting to be represented renounces that freedom. The citizen, on the other hand, is active not passive, is continuously rather than intermittently involved in the practice of collective decision making, and values political activity intrinsically rather than merely as an instrument necessary for providing a grab bag of other goods.

Benjamin Barber mixes devotion to the people with zeal to mold them, shape them, and enlist them in the service of designs that are not their own.

Barber labels this high-octane politics "strong democracy." But strong in what sense? In the best-case scenario, strong with regard to the status and dignity accorded to ordinary citizens. At least as noteworthy, however, is the magnitude of the demands placed on them. Among other attractions, strong democracy incorporates weekly neighborhood forums for which people diligently prepare themselves via electronic distance learning, community action programs requiring contributions of sweat rather than mere dollars, and two years of universal civic service that is one part productive activity and three parts education in the practice of citizenship.

Suppose, not implausibly, that most people prefer a less total immersion in political activity, that they assign higher priority to hiking in the woods, watching *Simpsons* reruns, singing in the church choir, golfing, gossiping, playing Parcheesi with their kids, making money, making love, or simply making a way in the world according to their own lights. Each hour devoted to the various strands of strong democracy is an hour unavailable for these alternative human activities. Intensive political involvement is very much a minority taste, and many of those who choose to immerse themselves in politics do so not in order to advance a disinterested ideal of the common good but to manipulate political levers for their own material advancement. How does Barber propose to persuade them to alter their priorities?

He doesn't. Persuasion is too frail a reed to support the structure of a populist utopia, so Barber is altogether willing to substitute stouter beams of coercion. Strong democracy's central function is not to make policy but to make citizens, and it does so via hands-on instruction in the practice of self-rule. Just as children are required to attend school to earn the perquisites of adults, so too are political novices to be enrolled in collective enterprises through which they earn the proud status of *citizen*. In neither case is one permitted to play hooky.

It follows that strong democracy gives short shrift to liberty. Barber is fully aware of this opposition and, following an ancient if not honorable philosophical practice, attempts to define it away. In *A Passion for Democracy*, he approvingly cites Rousseau's dictum that "the instant a people allows itself to be represented it loses its freedom" and expands on it with the announcement that "women and men who are not directly responsible through common deliberation, common decision, and common action for the policies that determine their common lives are not really free at all—however much they enjoy rights of privacy, property, and individuality." So, like Rousseau, Barber will force them to be free.

It is easily understandable why someone would value freedom in the ordinary sense of being let alone to pursue the ends and activities she prizes, but it is not clear what reason there is to care about the so-called freedom that emerges from Barber's definitional alchemy. Barber should not be surprised if people who assign higher priority to private activities decline the invitation to be conscripted into liberation.

Barber's understanding of rights is no less revisionary than his take on freedom.

How can someone who isn't free be characterized coherently as enjoying rights of privacy, property, and individuality? Privacy rights incorporate, among other things, a freedom to determine who will have access to intimate aspects of one's life; property rights entail the freedom to appropriate and trade things; and whatever individuality may be, it surely includes a liberty within broad boundaries to steer one's own course rather than have it prescribed by others—including those others who happen to hold prestigious professorships at elite universities.

This confusion may not disturb Barber much, though, because rights are of derivative importance in his system. Rather than serving to constrain the scope of majoritarian decision making so as to preclude tyranny and usurpation, rights in his telling are whatever the people in their democratic assemblies determine they shall be. Strong democracy, then, is not only direct but also omnipotent. It countenances no checks set by original and inalienable rights to life, liberty, and the pursuit of happiness. That is why the evocations of Jefferson in these pages, although reverential and oft-repeated, ring hollow.

Barber's populism lacks a core. He exalts The People in the abstract but exhibits smug disdain for real men and women. Because they don't possess what he will deign to recognize as freedom, their choices and preferred modes of life are inauthentic and thus do not merit respect. His 1995 book *Jihad vs. McWorld* is largely given over to excoriations of McDonald's, not because that corporation fails to meet the demands of consumers in America and throughout the world but precisely because it does. (Barber there lets us know that his own tastes run to the superior ambience of out-of-the-way bistros.) He is similarly dismissive of the "free" market —scare quotes come with the territory— in ideas and entertainments because its favored commodities are homogenized and declassé.

As proof that nominal freedom of entry and consumer sovereignty are illusory, Barber offers this observation: "I have a home page on the net just like Bill Gates and the Disney Corporation....But does anyone really believe that the common capacity to produce a home page is the same thing as the common power to affect the world?" This is perhaps the most revealing depiction of strong democracy offered in these books: It is a social order in which Benjamin Barber is among the prime movers and shakers of the world!

I don't mean to suggest that Barber is dissembling when he declares a passion for democracy. Just the reverse: He is passionate to a fault. Love is elevated and ennobling but, as we all know, it can be blind. In the throes of passion one is inclined to see the beloved object as one wishes it to be, not as it really is. Love frequently is possessive, demanding reciprocation and exclusivity. When spurned it lashes out vindictively. Benjamin Barber courts an electorate that persistently rejects his embrace and instead obdurately holds onto its own affections. It thereby shows itself unworthy to be the object of devotion of so ardent a lover. But rather than acquiesce in rejection and give up the chase, the swain will turn the tables, transform the drab voter-consumer into beauteous citizen, and once and for all win her favors—if not through seduction then by rape.

These two volumes are a disparate pair. Once one gets past the rabble-rousing, the essays in *A Passion for Democracy* offer nuggets of keen historical insight and every so often connect with a sharp dart to the complacent regions of liberal capitalism. *A Place for Us*, on the other hand, is the sort of potboiler someone plumping to be invited back to the Clinton White House might produce. It is grumpy about the economy, grumpy about the dominant culture, and grumpy most of all about politics. But it cheers up long enough to offer a bushel of nostrums for each.

These newest add-ons to the strong democracy contraption weren't very sturdy when they were contrived, and the passage of time renders them increasingly embarrassing. For example, in a prediction that ranks with the one that declared the *Titanic* to be unsinkable, Barber informs the reader that the American economy has entered a state of permanent stagnation and vanishing employment. Bad news? No, actually it's good news, because it neatly solves the problem of ordinary citizens' finding time for endless political convocations. The other rooms of this "place for us" display similar fitness for habitation.

Particulars aside, the real service these books provide is to display under a bright light what the scientific study of politics leaves obscure: not only how democracy can serve as a tool for supplying various goods and services but also how it can engage the passions. Benjamin Barber's commitment to strong democracy is reminiscent of other enthusiasms for other political ideals that have roiled the past century. Like them, it mixes expressed devotion to the people with unbounded zeal to mold them, shape them, and enlist them in the service of designs that are not their own. Ultimately, the most valuable lesson we take from these pages is that a passion for democracy is not necessarily either innocent or safe for those in its line of fire.

Contributing Editor Loren Lomasky (llomask@bgnet.bgsu.edu), a professor of philosophy at Bowling Green State University, is the co-author of Democracy and Decision *(Cambridge University Press).*

CONQUER SPANISH!

It's a battle learning another language. Attack your Spanish with ***Perspectiva*** or ***El Puente***. Vanquish boredom with these linguistic weapons - win the war on fluency with strong vocabulary.

Read Spanish with MORE comprehension and LESS frustration.

- Spanish at *YOUR* level - boosts comprehension!
- Glossary next to articles - improves vocabulary!
- Spoken Idioms & Grammar - increases fluency!

El Puente High-Beginning Spanish $39: 12 monthly issues

Perspectiva Intermediate Spanish $39: 12 monthly issues

SUBSCRIBE TODAY
or call for a **FREE BROCHURE** with sample articles & sample glossary.

EDUCATIONAL NEWS SERVICE
PO BOX 60478 - RES
FLORENCE, MA 01062-0478
info@ednews.com

(800) 600-4494

Artifact

Liberty Undone

This unfinished portrait of the Statue of Liberty has been looking down Wilshire Boulevard in Los Angeles since February 20, 1999. Envisioned by artist Mike McNeilly as a tribute to veterans, many of whom are buried in a nearby national cemetery, it has instead become a monument to threatened freedoms.

About six hours into the job, police shut McNeilly down, charging him with painting without a permit —a crime that carries a penalty of up to six months in jail and a $1,000 fine for every day the mural has been up. His case was still pending in late March.

To issue a mural permit, the city requires the artist to get approval from the local city council member and a recognized community group. McNeilly, who had the building owner's permission, calls the permit process "blatantly unconstitutional," because it gives politicians veto power over mural content.

His opponents claim that content isn't the issue. Beauty has become the latest subject of local land-use regulation, and "supergraphics," from movie ads to murals, are Ground Zero in that battle.

"This is an issue of land use," says a spokesman for Councilman Mike Feuer. "It goes to the issue of whether you want a supergraphic over your house or near your place of business."

—Virginia Postrel